

Dossier No. I

HUMAN RIGHTS

Documentation Centre
INDIAN SOCIAL INSTITUTE
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The ISI Documentation Centre

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Civil Rights (Tarkunde) Committee Hyderabad

V. M. Tarkunde, the former judge of Bombay High Court, released in May 1977 the interim report of the Civil Rights Committee of which he was the Chairman, on brutal atrocities committed by the police on the so-called Naxalites in Andhra during the Emergency. We give some extracts of the findings of the Committee.

We believe that we have collected sufficient evidence to warrant a judicial inquiry into all the so-called encounters in Andhra. If the enquiry is not instituted soon we will continue our own investigation and publish the result periodically.

The Committee has received information that officials of the Andhra Government have been destroying or tampering with records and are trying in other ways to influence the processing of the matter as well as to hamper the progress of our enquiry. These efforts will prove disingenuous. The truth about the killings cannot remain suppressed for long.

The alleged "Encounter" in Giraipally forest

Immediately after the proclamation of Emergency, the first reported "encounter" is said to have taken place in Giraipally forest in Medak District. It is now known that the following persons were killed :-

1. Janardhan Rao — Student of Regional Engineering College, Warrangal.
2. Murali Mohan Reddy
3. Sudhakar, and
4. Ananda Rao.

1. The evidence discloses that one Donthulu Antaiah was murdered on 22-6-1975 at about 8.30 p.m. at Sirisingandhla village of Siddipet Taluk, which the police suspected was a

Naxalite action. More than 100 persons were taken into custody. Apart from the Police lock-up, the Mulug (Medak Dist.) Forest Dak Bungalow was also used for confining persons and for interrogation regarding the investigation of the crime, namely, the murder of Donthulu Antaiah.

2. The four persons mentioned above were within the age group of 15 to 25 years. The evidence discloses that on 16-7-75 Janardhana Rao was found in lock-up at Mulug Police Station. On 20-7-75 the other three boys were arrested and brought to the same lock-up. All the four boys were subjected to gruesome torture in the lock-up. In the day time they were taken to the Mulug forest Dak Bungalow, where they were asked to be identified by villagers from Sirisingandhla who were kept in custody there. Most of the persons who were brought there for purposes of identification appear to have been beaten thoroughly and were compelled to identify those four boys as the persons who murdered Donthulu Antaiah of Sirisingandhla. These four boys were also beaten and they seem to have also confessed to the crime. Enquiries reveal that they confessed to the crime to save the villagers from further harrassment. The evidence discloses that every day these four boys were taken to the Mulug Forest Dak Bungalow in the morning and brought back to the Police lock-up by night. When they used to be brought back these boys could hardly stand. Their clothes would be blood-stained and they would be groaning with pain.

3. On the 24th of July, 1975 at about 8 p.m. all lights in the lock-up were put out. The boys were shuffled into a Police van and taken to Giraipally forest. They were tied to four trees from neck to foot and were blind-folded. When the Sub-Inspector of APSP 1st Battalion was asked to shoot them, it appears that he refused. For refusing to obey orders, he was abused by the Superintendent of Police. The boys, before they were killed, raised slogans. These four boys figured as accused in S.C. 3 of 1977 on the file of the Additional Sessions Judge, Sanga Reddy. The boys, it is alleged, had pseudonyms. Janardhana Rao is also known as Gopal Reddy, Murali Mohan Reddy is known as Krishna, Sudhakar is known as Subbha Rao and Ananda Rao is known as Malla Reddy.

In the remand report filed on 22 August 1975, the prosecution has stated that they are absconding, whereas the death of these boys was notified to the Press on the 26th or 27th of July, 1975. They were actually killed on the intervening night of 24th and 25th of July 1975.

The Police seem to have used cruel methods to inflict physical pain and torture with the sole object of obtaining a confession to the crime. Witnesses speak to the facts of the torture. In almost all cases now under consideration the police released chameleons and lizards up the legs of the victims and securely tied the bottom of the trousers. As can be expected, the frightened creatures inside the trousers started scurrying up and down the legs of the victims. Finding no way out, they started scratching and biting the victims thighs downwards. Witnesses say that this simple and Swadeshi method led to profuse bleeding.

Another familiar form of torture seems to have been to have a person lie prone, to place a log of wood across his knee joints and fold his legs to press against the log of wood, until the knee joints got dislocated. A variation of the same method of torture was to make a person lie down flat on the ground, place a log under his knee joint, another log of wood above his knee joints and make the Police constables sit on either side. These methods were used in addition to the usual methods of encircling the victims and kicking them about, beating them with lathis, bare fists, etc. In many cases, to humiliate the persons, the policemen have indulged in spitting on the persons all over the body.

The Killing In Guntur

After considerable preparatory work, members of the Committee visited Guntur, Chilakaluripet, Dachepalli, Macherla, Kavali and Chevuru during 27 - 31 May, 1977 to collect evidence.

On the basis of the evidence received, it appears that the nine killings in Guntur District were a sequel to the raid on the Cherukupalli Police Station.

In the early hours of the 21st May, 1975 at 2 a. m. there was raid at Cherukupalli Police Station. Following the raid, a reign

of terror was unleashed by the Police on the surrounding Harijan villages. The Harijans were beaten and hounded out like cattle, their homes were destroyed, their grain was scattered and their crops ruined. Hundreds of Harijans lost everything and fled from their villages and fields in fear, to eke out a living as coolies in other places.

Of those who had been accused of the raid, six have been killed.

These are :

1. Attuluri Mallikarjuna Rao
2. B. Jaya Rao
3. Regulagadda Satyanandam
4. Rathnam Surya Varma
5. Kamma Sunkanna, and
6. Inta Krishna Reddy.

Details regarding the deaths of the first four are given in this re-production as well as of the deaths of three others who were killed along with them. The reproduction also gives details of the deaths of two others Kontaiah and Shaikh Subhanj, who were also said to have been killed in "encounters".

Full details regarding the deaths of Kamma Sunkanna and Inta Krishna Reddy are being collected. Preliminary information suggests that they too have been killed in cold blood.

Mallikarjuna Rao

The first arrest in this connection seems to have been that of Attuluri Mallikarjuna Rao. He was arrested on 3 June, 1975 at 6 a.m. in the room where he was staying along with two others at Anantpur. Armed Police stood outside and asked them to come out with their hands up. They did so. Mallikarjuna Rao was then taken away separately in a van, whereas the other two were taken to the Town Police Station. Three days later the Police showed the remaining two men a news item which stated that a man 5' 7" in height and having small pox scars was killed in an "encounter". The police threatened the two with the same fate. From the description of the dead man and the accompanying threat to them,

it was obvious to the friends that the man was A. Mallikarjuna Rao.

B. Jaya Rao

Then, one afternoon in September 1975, at about 1 p.m. two constables, Adham and Prasad of Dachepalli Police Station, were observed to alight from a Guntur-Macherla bus at the Dachepalli bus stand. They had in custody a man dressed in banian and drawers with his hands tied behind him. He started shouting that he was B. Jaya Rao, and had been arrested at Tummalacheruvu in connection with the Cherukupalli incident. He was beaten by the constables and driven towards the Dachepalli Police Station while he kept shouting Maoist slogans and announcing his identity. Many people at the bus stop witnessed this. The local Civil Liberties Committee sent out telegraphic appeals about his arrest to the S. P., Collector, Tahsildar of Guntur and Tahsildar of Gurajala who was camping at Dachepalli Travellers' Bungalow. The Telegraph Office is a few yards away from the Travellers' Bungalow in Dachepalli. As there was no messenger, the members of the Civil Liberties Committee themselves personally delivered the telegrams. Later, fearing Police harassment, they destroyed the receipts evidencing the issue of telegrams.

After three days, there was a news item that B. Jaya Rao and another person were killed in an "encounter" at Kotappakonda 30 Kms from Guntur.

Kotaiah

On 6th September, 1975 one Kotaiah was arrested in front of a panshop at Park Centre, Macherla. Evidence discloses that two constables from Srisailam had been to the same panshop earlier. One of them was called Subramanyam. Shortly after they left, Kotaiah came to the bunk for a cigarette. Subramanyam came back later and caught him. In the ensuing scuffle Kotaiah drew a knife and stabbed Subramanyam. A crowd had already collected, and as the constable had said that he was a rowdy, a man from the crowd caught him. He struggled, shouting that he was not a rowdy, but a communist. But the crowd did not believe him. His

hands were tied behind with a towel and two more constables who had arrived by then marched him off to the Police Station. Subramanyam, the injured constable, was treated in the Government Hospital, Dachepalli. A few days later it was reported in the newspapers that Kotaiah was killed in an "encounter". The owner of the panshop was later shown a photograph of Kotaiah's body and asked to sign a paper, which he did. The evidence suggests that Kotaiah was the other man killed in an "encounter" along with B. Jaya Rao in September, 1975. As we have noted, B. Jaya Rao had been arrested in the room where he was staying, and Kotaiah had been arrested at a panshop while buying a cigarette.

Regulagadda Satyanandam

On 13th January, 1976 Regulagadda Satyanandam, about 50 years of age, and his wife were arrested at Koparti. They had a child, one and half years old. The husband and wife were walked to Thimmapuram. The wife went weeping all the way. From Thimmapuram they were transported in a police van to Bapatla Town Police Station. Her brother and mother-in-law were also in the van. Their legs were badly swollen and they were evidently in great pain. At the Bapatla Police Station, Satyanandam and his wife were beaten brutally in front of each other for two days. At one point, a police officer snatched the child from the mother's arms, threw it on the ground and trampled on it. On the third day, Satyanandam's legs were swollen so badly that he could not be beaten any more. His wife was asked to heat water and foment his legs. Then on 15th January, 1976, she was asked to fetch fresh clothes for her husband from their home as his clothes were drenched with blood. She returned on the 17th January, 1976, with fresh clothes. She was told that her husband would collect the clothes himself later, and was promptly sent away. Evidence discloses that Satyanandam had been taken away immediately after his wife's departure. The police had used the pretext of getting clothes for him in order to remove her from the scene. Apparently, he was shot in a staged "encounter", perhaps as an act of mercy after all the torture. His wife was arrested again on 19th January, 1976, tortured for 40 days in the lock-up and kept without enough food and water.

As a result of the tortures, she could hardly walk. She almost went mad in the lock-up. Later she was transported to Ponnur Police Station and was confined there for five months.

Other witnesses in the lock-up who had seen Satyanandam being taken away were told that he had been shot and were threatened with the same fate as Satyanandam and Shaikh Subhani of Chilakaluripet if they did disclose the information. Evidence indicates that these two men were shot soon after 15th January, 1976, when Satyanandam was last seen alive by his wife and fellow prisoners.

Shaikh Subhani

Shaikh Subhani, a carpenter, aged 20, was living at Chilakaluripet. At 10 p.m. on 9th January, 1976 constable Mallaiah of Chilakaluripet Police Station came to his house and shouted out that Subhani was wanted by the officer at the Police Station. Hearing this, people in the neighbourhood promptly came out to the street. Shaikh Subhani was taken to the Police Station accompanied by his brother, cousins and neighbours. He was handed over to S. I. Ranga Prasad at the Police Station. His relatives waited for a longtime outside the Police Station, but finally left when he was not released. The next morning his cousin took some food to the Police Station. At about 10 a.m. some neighbours saw Shaikh Subhani being taken to the bus stand by two constables. He sent word home that he was being taken to Guntur and efforts should be made to have him released. This was the last time he was seen alive. His brother, along with a local congressman, made efforts to see the S. P. at Guntur, but did not succeed. About a week later he went to see C. I. Hanumantha Rao Naidu, who was camping at the Travellers' Bungalow. The brother was accompanied by the local congressman and a few others. The C. I. called the congressman and spoke to him alone. Later the congressman came out and told one of the witnesses who had accompanied him and who later testified before us, that Shaikh Subhani had been shot dead. This witness could not bear to break this news to the family and merely told them that Subhani's whereabouts were not known and that if he could be traced, the Police themselves would bring him back. He did this to spare the

feelings of the brother and the ailing mother. The family, not knowing Subhani's fate, made no further attempts to trace his whereabouts through sheer fear, during Emergency. The petition presented to the Chief Minister after the revocation of Emergency had no effect.

Ratnam Surya Varma and Others

On 21st April 1976 half a dozen Policemen arrived in Cudi-padu village, Prakasam District, in a jeep. They went to the village Karnam and then left at 7.30 a.m. As they were leaving they saw four men coming towards the village. The men were about four furlongs away. They stopped the jeep and chased the men. Two of the men ran towards the village and two others ran away towards the trunk-road. The policemen caught one of the men who was running towards the village immediately. He was Rama Rao. The other man entered the village from the South. The police chased him: he ran into the fields, tripped on a bund and fell down. He was caught. His name was Malakondaiah. These two men were then taken and confined in the Police jeep. The jeep was parked in the middle of the village. Then a private van happened to come to the village. The Police transferred the captured men to the van and chased those who had got away in the Police jeep. About five furlongs away from the village, they captured Ratnam Varma, Ramakrishna and Benjamin. They took all the men away to Addanki at about 9 a.m. They were kept at the Addanki Police Station for a day. The next day they were kept at the Ongole S. P.'s office.

On the 24th April, 1976 in a scrub jungle a mile away from Chevur village in Kandukur Tq., people witnessed Police vans being parked near the railway level crossing and a police contingent of about 100 or so, in and around the scrub-jungle. Villagers were prevented from using the path through the scrub area.

A Panchanama was held at 10 a.m. and the Tahsilder of Kandukur, was sent for. The village Munsif of Chevur accompanied him, but was prevented from going to the scene by the Police. Later, there was a message that there was a Police firing in the northern forest area and the services of the village vettis were

required to bury the dead. Then village munsiff sent word to Chevur for village servants. The vettis reached Elurupadu at about 10 a.m. and stood around, waiting for instructions. No one said anything to them. Finally, at about 4.00 in the evening, they walked out to the Elurupadu Railway Gate. They stood there for some time waiting. A Police van came out of the scrub jungle and a constable alighted and asked the village munsiff for men to bury bodies.

The munsiff asked the vettis whether they were willing to go and they agreed. The constable then took the seven of them in a Police van to Nemallagunta, where they saw four bodies lying on the ground, spaced out evenly about a yard from each other. The bodies were not covered. The police then told the vettis to dig four graves, 3 feet deep and bury the corpses. The vettis buried the bodies and were paid Rs. 6/- each for their labour.

Later, on 26th April, 1976 the Ravuru Karnam and the Chevuru village munsiff were summoned to the Singarayakonda Police Station. They were shown a post-mortem report and photographs of the four corpses. They were compelled to sign a statement which they did, obviously out of fear. A few days later, the D.R.O. Ongole, appears to have conducted an enquiry at which they were asked to make a similar statement, based on the postmortem report and photograph of the dead men. They were unwilling to do so but the Tahsildar compelled them to make the statement according to the requirements of the Police. The post-mortem revealed that the legs were fractured but not as a result of bullet-injuries; there were 1 or 2 bullets present in each body. The D.R.O.'s enquiry was held in camera and the statement recorded were tailor made for the Police story. It was noticed by the villagers that the D.S.P. of Markapur was visibly nervous after the killing in cold-blood. It is reliably learnt that the Medical Officer was summoned to the spot to conduct a post-mortem.

We have definite information that four of the five men arrested at Gudipadu were shot at Nemallagunta, one of them, was Ratnam Surya Varma.

Soon after a news item appeared that four men were shot in an "encounter" on 24 April, 1976. The news item is a cruel irony.

After having been arrested and tortured for three days, these men were taken to a scrub jungle and shot dead, heavily guarded by a 100 armed policemen! They could not have escaped even if they had been allowed to do so, their legs having been broken by police lathis.

Behind those "Encounter" Deaths

Before the echoes of the Giraipally shooting could die down, in distant Garikapadu village, in Krishna district, an impoverished farmer, Mr. Surapaneni Rama Rao, was searching for his son, Mr. Janardhana Rao, a student of the Regional Engineering College, Warrangal, reported missing since early July 1975. His search took him to Mulugu village in Medak district, where he learnt that his son was picked up from the house of an acquaintance, Mr. Srinivasulu and lodged in police lock-up on July 16, 1975.

Three weeks earlier at nearby Siricingandla village of Siddipet Tq., a moneylender called Donthulu Antaiah was found murdered on the night of June 22. Police took into custody more than 100 people of the village and the interrogation pointed towards Antaiah's own son who was said to have suspected his father of having an illicit relationship with his young wife. But the Antaiah family was too powerful in Siricingandla and the police dared not accuse one of its members of the crime.

The investigators of the Antaiah murder case stumbled on Mr. Janardhana Rao an acting member of the Radical Students' Union, in the Mulugu police lock-up where he was held for questioning in connection with Naxalite activities which the Chief Minister Mr. J. Vengal Rao, had claimed time and again had been "wiped out" from the State.

Three more

Four days after Mr. Janardhan Rao's detention in the Mulugu lock-up, three more young men, Mr. Murali Mohan Reddy, Mr. Ananda Rao and Mr. Sudhakar were brought to the place. All the four had been subjected day after day to the most gruesome torture, including the infamous "chameleon treatment". After

undergoing this ordeal, apart from the usual beating and kicking, the men were ready to confess anything the police wanted them to.

In this state of mind, the four young men were taken to the Mulugu forest bungalow, used by the police during the Emergency as one of its many torture chambers. Here, the 100-odd villagers from Siricingandla held in connection with the Antaiah murder case were housed. They too had been exposed to all manner of tortures and tutored to identify the four as the persons responsible for the murder of Antaiah. The Mulugu forest bungalow had already gained notoriety as the place where Mr. Kollipara Ramnarasimha Rao, Mr. Sammaiah and Mr. Datla Venkataramaraju, said to be Naxalites, had been tortured and killed.

Having thus extracted confession from both the youths and the villagers, the police arranged the shooting at the Giraipally forest on July 24, 1975. Two days later a police press note issued in Hyderabad stated that four Naxalite youths, ranging in age between 15 and 25 were killed in an "encounter" in the Giraipally forest.

Mr. Rama Rao, Janardhan's father, complained bitterly to this correspondent that the police did not even hand over the body of his son for last rites as customary among law-enforcement agencies. Nor did the authorities hold any inquest over the bodies as they were required to do under Section 174 of the Criminal Procedure Code.

Taking the four from their respective residences, their subsequent detention in the police lock-up at Mulugu and their last journey to the Giraipally forest in a police van were witnessed by several villagers. The final act of shooting them from close, after tying them to trees was watched by at least one person who was hardly 50 feet away from the scene of the blood-chilling incident. This person, along with a few other eye-witnesses to this sordid drama, are now lodged in the Kasturba Gandhi Seva Sangha Ashram here under the personal care of Mr. Omprakash Gupta a sarvodaya worker, lest the police try to liquidate him.

The Giraipally shooting was not the only act of its kind in Andhra. During the period of the Emergency, at least 77 persons were claimed to have been killed in similar "forest encounters" which included a former member of Andhra legislative council, Mr. Neelam Ramachandriah. The number of people similarly liquidated before the Emergency through stage managed encounters are legion. Among them were 11 year-old Tameda Chinababu of Jalandra Hills and a 12 year-old boy from Khammam, Pidugu Veeraswamy. Both the youngsters, were tortured and shot dead, according to Mr. K. V. Iyer, general secretary of the Organisation for Protection of Democratic Rights.

A Memorandum

In a memorandum to the Acting President, Mr. B. D. Jatti, the OPDR gave the names of 134 people including prominent leaders like Mr. Vempatapu Satyam, Mr. Panchadi Krishnamurthy and Mrs. Panchadi Nirmala Krishnamurthy, Dr. Chaganti Daskar Rao, a gold medallist and Mr. Subbarao Panigrahi, a noted poet and artist, who were allegedly shot dead under the guise of forest encounters or killed through torture by the police. A dozen names in the list were those of boys in their teens and one man, Mr. Pedagopanna of Khammam, was over 70.

Pleading for the appointment of a judicial commission headed by a Supreme Court judge to enquire into these "encounter" deaths of citizens, the Memorandum claimed it was not correct to say that organisers of the Naxalbari or Srikakulam movements were believers in violence. If there were violent incidents, they were due to the mass upsurge against local injustice and resistance to the violence of landlords and the Government machinery that went to their rescue.

"Instead of understanding the problems of the people who were subjected to inhuman humiliation and exploitation by the landlords, the Government unleashed repression on them", it added.

Among the most dreaded torture weapons in the armoury of the Andhra Police is the "Hyderabadi goli" which was tasted by a

Maharashtrian youth who was in the custody of the State Police for about six months during the Emergency. Mr. Hiranman Laxman Pagar, 21, was alleged to have been "kidnapped" from his residence in Chandrapur in Maharashtra by a police party from Andhra on November 4 last and detained at the Asifabad lock-up in Adilabad district until his release on April 17. On the night of November 29, Mr. Pagar explained, he was stripped naked and forced to "eat a Hyderabad goli" at the orders of a circle inspector. The "goli" consisted of a lathi the size of a man's arm, coated with the hottest of Andhra chilli powder. It was slowly pushed up Pagar's rectum until he fell unconscious in pain.

The plan to wipe out the Naxalite and Srikakulam movements in Andhra Pradesh was evolved when Mr. Vengal Rao was Home Minister in the Brahmananda Reddy cabinet. Mr. H. V. Narayan Rao was then the Deputy Inspector General of Police in charge of Naxalite cell. Mr. Omkar, a member of the State legislature, said in an interview that Mr. Vengal Rao and Mr. Narayan Rao teamed up and "went on a killing spree of alleged Naxalites in cold blood in the name of encounters".

When Mr. Vengal Rao became Chief Minister, he clung to the Home Portfolio and kept up the heat on dissenters. The Police too developed vested interest in engaging themselves in "encounters" with so called Naxalites, for it meant rapid promotion. Under Vengal Rao the number of DIGs in the State grew from seven to 32.

Following the declaration of the Emergency, Mr. Vengal Rao appointed Mr. Narayan Rao as Home Secretary, the first time a police officer had held the post of Home Secretary in Andhra Pradesh. Mr. Omkar said the appointment of Mr. Narayan Rao as Home Secretary was the beginning of a reign of terror by the special branch police. Illegal arrests were made and detention of people without any regard increased, "The Chief Minister and the Home Secretary laid down the policy of unabashed cold blooded murders, apart from torturing arrested people", he said and added, "Mr. Vengal Rao never thought that he would be made accountable for any of his dastardly acts".

Following the publication of Tarkunde report, Justice Bhargava has been appointed by the Andhra Government as

a one-man judicial commission to investigate alleged tortures and killings of 'Naxalites' in Andhra Pradesh. The police takes no chance and has been trying since to neutralize witnesses. The Civil Rights Committee continues to "expose" the real facts. In the magazine "MAIN-STREAM" August 1977, a series of cases of intimidations by the police has been reported. We give here some extracts.

Statement of Bhikshapati

I, Yedulapuram Bhikshapati, resident of Waddepalli, voluntarily gave evidence before the Tarkunde Committee members, Arun Shourie and Kaloji Narayan Rao, on 30-7-77.

My name is Yedulapuram Bhikshapati, age 24 years, father Veeraiah, my village is Waddepalli. I have mother, wife and two small children aged 3 yrs. and 6 months. On the night of July 24-25, 1975, I saw Janardhan Rao, Muralimohan Reddy, Ananda Rao and Sudhakar being tied to trees and shot dead by the police in the Giraipalli forest, Medak Zilla. I testified as an eye-witness before the Tarkunde Committee. I testified to what I saw before the committee and so the committee arranged for my shelter and protection in Hyderabad. Since I work as a coolie and support my family, I returned to Waddepalli and with the help of P. Sankarayya, Janata Party leader of Warrangal, I went to the collector. I told him that I was afraid of the local police, particularly one Shamim, who arrested me and tortured me. I requested him to arrange for my protection. I gave an application to that effect. The Collector spoke to the S. P. and assured me of protection. Later I met the S.P., Kamal Kumar. He also assured me of protection. The Collector asked me to sign everyday at the Collector's office before the Revenue Assistant, to keep him informed of my safety.

This arrangement was made on May 6, 1977. Since then I have been going to Collector's office everyday and signing before the Revenue Assistant. Thus I continued to keep them informed of my attendance and work as a coolie. On May 12, the Central C.I.D. Inspector and along with him a Jamadar came to me. They

came to my house at eight in the morning. He (the CID Inspector) said "Your evidence in Janardhan Rao's case has been appearing in the papers. You testified before the Tarkunde Committee also. Who took you there? Why did you tell them? What happens if you tell them?" I told him about the way Shamim tortured me. He said that any police officer would do that. When he wrote down everything, I suspected that he might be a police officer and I asked him to tear it up and he tore it. When I asked him who he was, he told me he was from the Central CID and that he came to help me. He told me that his office was at Naium Nagar and that if I wanted any help I should go to him.

One day, on July 24 evening, when I returned from the Collector's office after signing, I met K. Prabhakar. Although this man is a resident of our village, right now he has a cycle shop at Subedari and lives there. He is an ex-councillor. He said to me that my statements were being published in the papers. He asked me to go to his house. But I did not go. On July 25 morning, K. Prabhakar sent his son Vijayakar asking me to come to his place. I took my friend Kokkonda Shankaraiah along with me and I went to K. Prabhakar's house at Subedari at about 8 a.m. He told me "why do you want to have problems with the police. I will make them pay compensation to you and get you a job and you can earn a living." I told him that I did not want their job nor any relationship with the police. Then we returned home. The same day, July 25, at about 12 O'clock while I was returning after signing at the Collector's office I saw a jeep outside. There were K. Prabhakar and two other police officers in the jeep. One of them was short, fat and dark and had big red eyes. I think it was the same DSP who had arrested me on December 25, and took me to the Police Station at Madikonda. The other person was fair and tall, K. Prabhakar asked me to get into jeep and told me to go with them. I refused to go and said 'no' to them. Then they left. I walked down to Waddepalli. When I came home I found out that these people had gone to my place in the same jeep while I was away at Collector's office, to find out if I was at home and later they came and met me as described above. Kesaboyina Prabhakar testifies to this.

On the next day, July 26, at about 11 a.m. K. Prabhakar and the same police officers came to my place. I, my mother and my wife and my children — we were all at home. K. Prabhakar stayed outside. The police officers came inside; after some time they said, “You have suffered a loss in the police case. We will give you 20,000 rupees. We will get you a job. You should not have disputes with the police”.

The fair and tall officer told my mother to tell me not to give any evidence. My mother told them that what they had done was enough, she neither wanted their money nor their job and to let us live like this. Then they left.

A. Bhikshapati
30-7-77

Original statement in Telugu recorded in the presence of:

- | | |
|--|---|
| 1. Arun Shourie
July 30, 1977 | 2. Kaloji Narayan Rao |
| 3. Varavara Rao
(P. Varavara Rao) | 4. P. Vithal Rao
Advocate, Hanumakonda,
30-7-77 |
| 5. S. Shankaraiah
Advocate, Hanumakonda | |

Statement of Mallamma, Mother of Bhikshapati

Bhikshapati, is my son. Two years back my son was taken away by the police, from house. Two, three months later I received my son's letter. I enquired at Siddipet Police Station and went to Sanga Reddy. At Sanga Reddy, I engaged a lawyer, and got my son released on bail. Along with my son Bhikshapati two other persons, Prabhakar and Sankaraiah from my village, also were released on bail. After that, Police came to my house many times to take my son. Once the S. I. Shamim beat me up. He came during the night, beat me up on my head and asked about the whereabouts of my son. My son who was sleeping in another room came out. All this is old news. After three, four days on a Tuesday morning at about 10 or 11 a. m. some two people came. When they came my son Bhikshapati, and daughter-in-law Sam-

mekka were at home. I did not know who these people were. My son told me that they were police. I came to know later that, K. Prabhakar of my village brought them home. These officers stayed for half an hour at my place. In front of my son and daughter-in-law they talked to me. One of them spoke to me. The second one kept quiet. The officer who spoke to me said, "You tell your son not to give evidence anywhere. All the money you spent on your son's case, we will pay you back. We will find your son a job. We will give you thousands." When I heard this I said to him, "What you have done all these days is enough. We do not want your money nor your job. Already I have sold my lands and my jewels to get my son released. If he cannot find a job anywhere, we will beg and live. We certainly don't want your money. Let us live as we are. After that they left."

I have recorded the above. After recording them, I read out to Mallamma. She said that the above is a correct record of what she had said.

Kaloji Narayan Rao
Member, Tarkunde Committee
30-7-77

Original Statement in Telugu
recorded in the presence of
Arun Shourie, Varavara Rao, Shankaraiah and
Vithal Rao.

Statement of Shankaraiah

I, K. Shankaraiah, am son of K. Ratnaiah resident of Waddepalli. I gave evidence before the Tarkunde Committee in Janardan Rao's case. On July 25, 1977 I and Bhikshapati who gave evidence in the same case (Janardan Rao's), were both called to ex-Councillor and Subedar K. Prabhakar's house. Then he said, "Why do you bother about the police, we will give you compensation, we will get you a job. So do what the police tell you." Later when Bhikshapati was away from the village for two days, Prabhakar called me again and said, "Why didn't you tell me about this? The police are asking me about him. When Bhikshapati comes

back bring him." He repeatedly said to bring Bhikshapati when he returns.

K. Shankaraiah
30-7-77

Original statement in Telugu recorded in the presence of :

- | | |
|-----------------------|-------------------|
| 1. Arun Shourie | 4. S. Shankaraiah |
| 2. Kaloji Narayan Rao | 5. P. Vithal Rao |
| 3. Varavara Rao. | |

Punjab Political Killings

(First Report of Punjab Civil Rights Committee)

In response to requests of various mass organizations in Punjab, the Punjab Civil Rights Committee was set up in October, 1977, to gather facts about deaths of alleged Nexalites that are said to have occurred during "encounters" in Punjab. The Committee, headed by V. M. Tarkunde, General Secretary, Citizens for Democracy, had for its members Kuldip Nayar, Editor, Express News Service, Indian Express; Dara Singh, Senior Advocate, Punjab and Haryana High Court; Roshan Lal Bhatta, Advocate, Punjab and Haryana High Court; Arun Shourie Senior Fellow, ICSSR, and Ashok Panda, Advocate, Supreme Court.

After collecting evidence about the deaths of eight persons to start with, they have submitted a first report, extracts of which are reproduced here.

I. Cases of Amarmmeet Singh and Rajinder Singh (September 25, 1971)

Evidence indicates that on September 25, 1971, Amarmmeet Singh and Rajinder Singh were seen being pursued by a police jeep in the vicinity of the village Khatib. This village is about 2 1/4 Kms from Batala. They evaded the police jeep and reached the house of Harbans Singh, the father of Amarmmeet Singh, at village Karwalia.

They did not give any indication to Harbans Singh or his wife, Gurcharan Kaur, that they had been chased by a police jeep earlier. Gurcharan Kaur, mother of Amarmmeet, began preparing meals for the boys while they talked, laughed and relaxed in the house. Harbans Singh, the father of Amarmmeet, was also present at the house at this time.

The boys had barely finished their meals when a police party consisting of three constables, led by Gurdeep Singh, suddenly

entered the compound of the house of Harbans Singh. The police party was accompanied by Rajinder Singh of village Talwandi, Lal Singh and Balmukand (a known police informer) of village Kila Lal Singh. Gurdeep Singh accosted Harbans Singh and asked him whether Amarmeet was his son. On being told this was so, he asked whether Amarmeet was at home.

Gurdeep Singh then told Harbans Singh that his son was wanted by the police and that the D.S.P., Om Prakash, was himself waiting at a short distance away from the house.

Thinking that the boys may have been involved in small quarrel with their fellow students, Harbans Singh readily invited the policemen to come into the room where the boys were sitting.

The policemen asked the boys to accompany them outside the house. The boys did so without any hesitation. The policemen then took a *dupatta* from the house and tied the hands of the boys behind their backs.

The policemen led the boys to a jeep in which DSP Om Prakash was sitting. Om Prakash now took charge of the boys and led them and the police party through the fields to a garden to the south of the village. The hands of the boys were still tied behind their backs.

The rice crop was still standing in the fields. The villagers heard the DSP and his men saying that the boys had killed some people and were therefore wanted by the police.

In the meanwhile a very large number of people had gathered at village Karwalia just outside the house of Harbans Singh. The people of Taragarh, a village near Karwalia, had seen the boys running through the field earlier in the day and being followed by Balmukand and Rajinder Singh. Many of them had also walked over to Karwalia. Here they learnt that one of the boys was Amarmeet, the son of Harbans Singh, and the other was Rajinder Singh, the son of Raghbir Singh of Shyampura, a village not far away from Taragarh and Karwalia.

As the police party was moving towards the garden, DSP Om Prakash asked a constable to stand at a point and see that nobody followed the police party. A constable took up the position and stopped the villagers from moving forward. The villagers numbered in hundreds. But, bewildered and confused at what was happening they refrained from moving closer. Suddenly they saw Om Prakash raise his arm. He had a revolver in his hand.

Before they could realise what was happening, Om Prakash fired two shots — killing first Rajinder Singh and then Amarmmeet Singh. He then ordered the policemen also to open fire on the boys.

The hundreds of villagers who had halted where they had been told to stop, saw the boys fall to the ground.

Jagir Singh, the Sarpanch of Taragarh village and the Chairman of Gurdaspur Zilla Parishad, was sitting in the lawns of his house when he heard the sound of shots being fired. Sensing trouble in the village he came rushing to the area from which the sound of shots had come.

When he reached the bypass on the side of the village Karwalia he saw a huge crowd near the mango garden that is located along the *kutchra* road between Karwalia and Taragarh. Harbans Singh rushed towards him and told him what had transpired

Jagir Singh told the crowd to stand back and to refrain from following him. He walked over to the police party. Jagir Singh has testified that upon reaching the scene he saw Om Prakash, the two informers — Rajinder Singh and Balmukand — and an ASI each holding a revolver, four or five policemen holding rifles, and the two dead bodies.

He asked the DSP as to what happened. The DSP told him that the boys were from the student union and had fired shots at the police. He said that the boys had a revolver on them. Jagir Singh, on the contrary, saw that the bodies were lying with the hands still tied behind their backs. He then asked the DSP as to how the boys could have fired at the police when their hands were

tied behind their backs. The DSP was flustered and shouted at the policemen to immediately untie the hands. By what authority, Jagir Singh next asked the DSP, had the latter taken the law into his own hands. The DSP shouted back that he had all the authority to deal with dangerous people in any way he saw fit. Telling the DSP that he was committing a grave blunder, Jagir Singh left the scene to contact the Deputy Commissioner of Gurdaspur. Even as he was trying to contact the DC, some villagers came over to his house and told him that the police was preparing to carry the bodies away.

He rushed back to the scene of the shooting and found that the bodies had been loaded on to the jeep. Additional police reinforcements had also arrived. But by now, the enraged villagers had surrounded the policemen as well as the jeep, and they refused to let the police take the bodies away.

While the killing had occurred at about 12.30 p.m., the villagers did not let the policemen budge till the Deputy Commissioner arrived around 7 p.m. On the testimony of Jagir Singh, by that time about 10,000 persons from nearby villages had gathered at the spot.

Only after they had been assured by the Deputy Commissioner that a judicial inquiry would be instituted, that the guilty would be brought to book, and that the bodies would be handed back after a *post mortem*, did the people allow the police to take the bodies away.

Several villagers accompanied the bodies to Batala and brought them back in a procession the next day. At Batala they were told that 8 to 9 bullets had been recovered from each of the bodies.

Subsequently, the villagers as well as public men made representation to the Governor asking him to order a judicial inquiry into the matter. (The State was under Governor's rule at that time). An all-party delegation made the same request to Ram Nivas Mirdha, the then Central Minister of State for Home Affairs, when he visited Batala a few days later. The villagers and the

public men travelled to Delhi and had the matter raised in the Lok Sabha and Rajya Sabha. They met Ram Nivas Mirdha again. Pleading that he could do nothing, he asked them to see Indira Gandhi. The villagers met her and she too promised to look into the matter. But nothing was done. Subsequently the matter was raised in the Punjab Assembly also. But again to no purpose.

II. Case of Baba Bujjha Singh

(July 27-28, 1970)

Baba Bujjha Singh was an old nationalist, a fighter for the country's freedom, a leader of the CPI, CPM and later CPI (ML) in Punjab.

Kehar Singh (son of Mehanga Singh, resident of village Khan Khan) and Darbara Singh (of village Nagar) have both testified that Baba Bujjha Singh spent the afternoon of 27, 1970, with them at the house of Darbara Singh. They discussed assorted domestic matters, had lunch together, slept and later had tea.

Baba Bujjha Singh was to proceed to Phillaur. As Kehar Singh was also going to Phillaur, Baba asked him to follow him on his bicycle but to keep a hundred yards distance between them.

Both left Darbara Singh's house at about 4 p.m. On the evidence of Darbara Singh and Kehar Singh, Baba was wearing a white kurta and pyjama. He had a khadi towel with him in which he had tied some books. He did not have any satchel or bag. He was unarmed.

Having journeyed for some distance, they reached the point where the main road meets the approach road to village Rasoolpur. Baba turned on to the Rasoolpur road. He had barely done so when a police jeep sped past Kehar Singh, overtook Baba, and came to an abrupt halt in front of him.

Four or five policemen jumped out of the jeep, overpowered Baba and pushed him into the jeep. Baba resisted as best as he could, shouted "Naxalbari Zindabad" several times, and that he was Baba Bujjha Singh of village Chak Mai Das. Having secured him in the jeep, the policemen sped away. This "capturing" of Baba took 2 or 3 minutes.

Several passers-by had stopped to observe what had happened. While some policemen were overpowering Baba, others told the passers-by to keep walking to forget whatever they might have seen lest they themselves came to grief.

Joginder Singh (son of Labh Singh, resident of Phillaur, Jullundur district) and Chuni Lal (son of Sunder Lal, resident of village Ashaur, Jullundur District) have corroborated Kehar Singh's account of Baba's arrest.

Gurdas Ram, Nambardar of village Chak Mai Das, has testified that a plainclothes man came to his house around sunset on July 27, 1970 and asked him to accompany him to the police station at Banga as some one had to be identified. When he reached the Criminal Investigation Agency office building he was taken to the upper storey. There he was asked whether the old man who had been arrested was Baba Bujjha Singh. He had no difficulty in identifying Baba. Baba looked tired and haggard.

By next morning the police declared that Baba had been killed in an "encounter" on the canal bank between villages Nai Mazara and Sanawa.

Among others who saw the body lying by the canal bank, Sansar Singh of village Babber Mazara has testified that he examined the body as well as the area around it minutely. He testified further that there was not a single blood mark on the white kurta and pyjama that Bujjha Singh was wearing nor was there any blood spot on the area around the body.

The policemen conscious that the body was beginning to stink as the death had taken place much earlier, had a large amount of neem leaves gathered. These were thrown over and around the body to cover the smell.

III. Case of Raunaq Singh (February 1 -20, 1971)

Raunaq Singh, aged about 50 years, was Sarpanch of village Chari, Tehsil Samrala, District Ludhiana. He had been associated with left movements for about two decades. He had been Sarpanch

of the village Chari for several years and we learnt that he was a popular figure in the village. He was closely associated with the Birla farm mass movement of March-April 1969. In the last week of April 1969, police raided the houses of several political workers who had been conducting this movement. Raunaq Singh's house was also raided. He was implicated in several cases by the police, but he managed to evade the police from arresting him for some time. His belongings were confiscated by the police and were never returned.

According to police sources Raunaq Singh was arrested on January 23, 1971, from Kalra village near Adampura in Jullundur District. He was produced before the Judicial Magistrate number of times. During this period of remand Raunaq Singh was severely tortured. Ultimately he died during the night of February 11, 1971.

The police issued a statement to the press that Raunaq Singh had fled from the Ropar Jail where he was brought after his appearance before the judicial magistrate. However, on February 22, 1971, the Ropar Jail Superintendent, Kalia, contradicted the police statement and affirmed that no Raunaq Singh had been lodged in the Ropar Jail.

On February 19, 1971, police raided several places including the house of Sohan Singh the younger brother of Raunaq Singh. Surjit Kaur, wife of Raunaq Singh, sent telegrams to the Prime Minister; Jagjivan Ram, the then Congress President; I. G. of Punjab Sat Pal Dang, M.L.A. of Punjab; the SPs, CID of Ludhiana and the Deputy Commissioner of Ludhiana on February 19, 1971. She said that the story of Raunaq having escaped from jail and the raids were all part of a conspiracy of the police to kill her husband. The very next day similar telegrams were also sent by Sohan Singh to the Punjab and Haryana High Court. He requested them to hold an enquiry into the matter.

On February 21, 1978 the police announced to the press that Raunaq Singh had been killed in an encounter with the police near Gangoowal-Guruki-Lahore Road, while crossing the Punjab and Himachal border. According to the eye-witnesses no encounter took place. The police reached the spot, dumped a body and fired some shots in the air.

Sohan Singh reached the spot later. After making enquiries he complained to Ropar D. C. against the murder of his brother by the police and urged that an enquiry into his brother's death be held.

IV. Case of Tarseem Bawa (April 17-18, 1971)

Tarseem Bawa, aged about 27 years, was Junior Basic Training Teacher at Dayalpur in Patiala district. He had been taking part in trade union work and in the Left movements. While he was visiting his parents in Ludhiana district, two CPI-ML workers (Daya Singh and Hari Singh Margind) were arrested from his house in Dayalpur Jhungian. Soon enough the police announced that these two had been killed in an encounter near Rajpura in the Patiala district.

Apprehending that he too would be picked up and killed, Tarseem Bawa went underground. As his whereabouts were not known, the police had no difficulty in implicating him in several cases.

On May 24, 1971, Tarseem Bawa was arrested at the Ludhiana bus stand. Evidence suggests that Tarseem Bawa was brutally tortured and died as a result of torture in police custody.

Several relatives and friends saw the body closely after it was handed over to them for cremation. They have testified that the body had no bullet marks at all, that the collar bones were broken, that the neck was broken and savagely twisted, that one of the eyeballs was out of the eye socket, and that both wrists had deep cuts all around which had been filled with wax.

There are cases of Kartar Chand and Gurdial Singh; there is the case of Tarseem Lal. All of them were killed under alleged 'encounters'. Witnesses have been terrified to make formal representations against the murders. However, the Committee made the following recommendations.

Recommendations

On the basis of evidence we have received from a very large number of witnesses (who include individuals who have held and

still hold important offices in their localities) we are convinced that none of the eight deaths occurred in an 'encounter'. We are convinced that no 'encounter' took place, that each of the deaths was a cold-blooded murder by the police.

The evidence before us establishes a strong prima facie case of extremely callous and, indeed, murderous conduct by officers of the State. The matter is obviously one of public importance and the evidence we have received deals with specific cases.

Accordingly we believe that the matter should be enquired into by a Commission of Inquiry, under the Commissions of Inquiry Act, 1952. The Commission must be appointed by the Central Government. The conduct of the Andhra Government in relation to the Bhargava Commission has shown conclusively that a Commission appointed by the State Government—when conduct of officials of the State Government itself is being inquired into—will be gravely hampered by the State Government itself.

The Andhra experience shows that even under a Government other than the one that was in power when the murders took place, the temptation to impede the Commission's functioning is too strong to resist. The new Government is as dependent on the police and administration whose conduct is being investigated as was the old Government and is, therefore, as motivated to protect the interests of these functionaries.

In the present case, the argument for the Commission being appointed by the Central Government is even stronger. Several of the killings that took place in 'alleged' encounters took place when some who are Ministers today were Ministers in earlier Governments. Moreover, we regret to note that Shri Prakash Singh Badal, Chief Minister, Punjab, has already declined to help our Committee obtain the police version of these deaths. He has refused to go beyond the magisterial inquiries that were held at the time—inquiries in which the people have no faith.

For reasons stated above we believe that a Commission of Inquiry should be set up. But from recent experience—specially the experience of the Bhargava Commission in Andhra—we are

also convinced that it is not enough to have Commissions appointed and await their findings. Accordingly, we have decided to file cases ourselves. At present we are processing evidence in relation to the deaths of Raunaq Singh (case III) and Amarmmeet Singh and Rajinder Singh (case I) reported above, with a view to filing cases against specific officers of the State.

The trials are bound to take time. We will need the support and enthusiasm of the public to maintain the effort. Funds will also be required to prosecute the cases through the various stages. We shall be formally appealing to the public upon filing the cases in the courts. We are confident that the people — specially the people of Punjab — will rally to the cause of the victims and of justice. The successful prosecution of officers of State who have been guilty of murderous conduct is now the only way of reducing the likelihood of such conduct in the future.

Even as the Central Government considers our request for a judicial inquiry, the most important task before the people of Punjab — specially before those who live in the vicinity of areas in which the alleged encounters took place — is to shield the witnesses from the blandishments and threats of the police. The experience in Andhra shows that once an inquiry is instituted, in fact from the moment when an inquiry appears likely, the police shall spare no effort in trying to terrorise or otherwise influence the witnesses.

The people alone can strengthen and sustain the resolve of the witnesses, they alone can safeguard the truth.

This report was released to the press on
October 15, 1978.

Those Who Have No Rights

Atrocities and violence against harijans and other weaker sections of the population have assumed alarming proportions. The daily press is replete with incidents describing the crudest violations of basic human rights against them. The following clippings from the press give the real picture.

Besides, a national survey on the incidence of bonded labour was carried out by the Gandhi Peace Foundation and the National Labour Institute with active support from the Union ministry of labour. The following ten bonded labour affected States had been selected for the nationwide sample survey :

Andhra Pradesh, Bihar, Gujarat, Karnataka, Madhya Pradesh, Maharashtra, Orissa, Rajasthan, Tamil Nadu, and Uttar Pradesh. More than 1,000 villages in 295 districts of these States (1971 district pattern) were covered by the survey between May and October 1978. More than 115 field investigators went into the sample villages and collected informations about the incidence of bonded labour.

Belchi (Patna District)

On May 11, 1977, 8 Harijans and 3 poor Sonars were shot by Kurmi landlords and thrown into the fire, some still alive. The victims included a 12 year old boy who jumped out of the fire but was pushed back into the fire till he completely perished. All this because the Harijans had the audacity to organise themselves and claim their dignity, and just wages.

Dharampura (Bhojpur District)

In the afternoon of October 20, 1977, a gang of fifty armed men appeared at the Harijan quarters in Dharampura village and opened fire killing two men on the spot. They forcibly took away two other young men. Their crime was that they tried to organise the village poor against the oppression of the mahant who behaved like a tyrant. In a village of the same district, *peona*, two harijan sisters, Ramvati and Kumud, were raped by landlords on the day of Holi revelry the year before. When Ramvati resisted, her left hand was chopped off.

Bishrampur

Bishrampur village, on the day of Holi revelry in 1977, became the site of atrocities. The higher caste landlords with their marauding gang descended on the village and set fire to harijan houses and shot at Harijans indiscriminately. The victims included the aged father and mother of the local Harijan leader. Both were over 70 year old.

Pipra (Patna District)

The carnage at Pipra (1980) is fresh in our minds. Pipra is a village about 20 kms from Patna, the State Capital. An armed mob surrounded the Chamar tola in the village and set ablaze all the 27 thatched huts. The intention was to wipe out the entire Chamar population in the village. Whoever tried to escape was gunned down and thrown into the blaze. 14 persons were done to death in this way, nine of them from one single house. Others took shelter in a new, still unroofed house in the centre of the tola and prevented the mob from entering, throwing bricks and stones at the assailants. The raiders remained in the village for more than five hours, and saw that everything was reduced to ashes and left only when the police arrived. According to reports, the cause of this devilish act seems to be the fact that the entire group of Chamars of Pipra had organised a boycott on work for landlords on the issue of minimum wages not being paid.

Kanti (Mazaffarpur District)

On the 1st of March, 16 houses of Harijans were burnt. The attack was a sequel to a long-standing dispute over share-cropping between the Harijans and a local landlord.

Keelvenmani (Thanjavur District)

On the day of Christmas in 1968, at Keelvenmani, a village in Thanjavur district, forty-two Harijans were burnt alive by the high caste people of the place. The cause of the tragedy was again the audacity of the Harijans to organise themselves to claim for their dignity, and just wages.

Villipuram (Chingleput District)

On July 25, at least twelve persons, all of them labouring people belonging to the Scheduled Castes and including a boy of 12 and a woman of 35, were butchered in broad daylight. The huts of the community were burnt down.

Andhra

A well known Journal, "The Economic and Political Weekly" dated Nov. 18, 1978, describes the situation prevailing in some of the districts of Andhra, more specifically in the district of Adilabad: "A cursory glance at the still prevailing social customs alone is sufficient to understand the degree of feudal exploitation. . . Besides forced labour and exactions, the vetti system is wide spread in this region . . . The social norms of behaviour which the landlords impose have to be scrupulously followed, whereby a peasant cannot wear white clothes, he cannot wear chappals in the presence of the landlord, and cannot send his children to school. In many villages of this area, a girl still has to be sent to the landlord to satisfy his amorous desires, as soon as she attains maturity."

Punjab

In Punjab, the Chief Minister admitted in the Vidhan Sabha that forty-five Harijans were killed in the State between June 1977 and February 1978.

India as a whole

In a well documented article entitled "Born to Misery", the magazine "India Today" (October 1-15, 1978) has published the following figures compiled from official sources :

Atrocities on Harijans (January 1 - July 31, 1978)

STATE	Registered cases of		murder	of rape
Uttar Pradesh	89	94
Madhya Pradesh	36	64
Bihar	41	58
Gujarat	26	6
Rajasthan	39	39
Maharashtra	7	14
Haryana	4	8
Others	21	23
Total	263	306

An Harijan activist gives expression to his feelings in the following lines :

Mahatmas have come
Mahatmas have gone
But the sufferings have not gone.
The suffering won't go
Until the exploited awake and rise
To break the shackle and bondage.

Bonded Labour: A Human Rights Issue

I. Objectives of the Study :

The objectives of the study were

- (1) to assess the extent of bondages in the States,
- (2) to calculate estimates of the total number of bonded labourers in the States,

(3) to highlight the socio-economic conditions under which bonded labourers worked and lived,

(4) to assist the State Government and the Central Government in the preparation of schemes for the release and rehabilitation of bonded labourers. The survey concentrated on the identification of debt bondage in the agricultural sector.

II. Some of the Significant Findings

Significant conclusions worked out by the survey show :

(1) *66 per cent of the bonded labourers belong to scheduled castes, while 18.3 per cent of the bonded labourers belong to scheduled tribes. But 84.2 per cent of the masters are caste Hindus.*

(2) 41.3 per cent of the bonded labourers take loans per annum of less than Rs. 300, 28.1 per cent take Rs. 300-700, 15 per cent take Rs. 700-1000 and 15 per cent need loans exceeding Rs. 1,100.

(3) 11.6 per cent of the bonded labourers have to pay interest rates higher than 40 per cent per annum, 10.5 per cent pay interest between 25 per cent and 40 per cent, 45 per cent do not have to pay interest.

(4) *47.5 per cent of the bonded labourers incur debts for meeting their daily needs (domestic consumption), whereas only 36.6 per cent take loans for festivals or ceremonies (social obligations).*

III. Facts Further Substantiated

The above figures can be further substantiated by the following data on the asset structure. About 62 per cent of the bonded labourers do not possess any cultivable land. 65 per cent have no livestock, 19 per cent have no poultry, 14 per cent have no hut or house of their own, 20.5 per cent do not possess any homestead land.

IV. Below Subsistence Level-Wages

The below subsistence level-wages prevalent contribute substantially to the poverty of the bonded labourers and their incapacity

to repay the loan. Nearly 30 per cent of them get less than Rs. 10 per month, 38 per cent earn wages between Rs. 10 and Rs. 40, 25 per cent earn Rs. 40-80 and only 7 per cent get more than Rs. 80 per month. The average monthly payment amounts to Rs. 35.

V. Extent of Bonded Labour

The system of *bonded labour* is found in backward areas as well as in developed agricultural regions. The trend indicates that the introduction of *modern technologies* in agriculture has aggravated the economic conditions of agricultural labourers and intensified their recruitment into bondage. In the district of Medak (Andhra Pradesh), Mandya (Karnataka) north and south Arcot (Tamilnadu), bonded labourers are employed to operate diesel and electrical pumpsets.

IV. Estimate of Incidence of Bonded Labour

The State-wise estimates of incidence of bonded labour are as follows :

Andhra Pradesh 3. 25 lakhs (4. 96 per cent of all agricultural labourers); *Bihar* 1. 11 lakh (1. 17 per cent); *Gujarat* 1. 71 lakh (9. 51 per cent); *Karnataka* 1. 93 lakh (7. 6 per cent); *Madhya Pradesh* 4. 67 lakh (11. 8 per cent); *Maharashtra* 1. 05 lakh (2. 1 per cent); *Rajasthan* 67, 000 (9. 4 per cent); *Tamil Nadu* 2. 50 lakh (6 per cent); *Uttar Pradesh* 5. 55 lakh (10. 5 per cent).

Militarization and Human Rights

In many Third World countries, military regimes have been installed. The present document, a study by the Ecumenical Movement for Justice and Peace, traces the history of the militarization process of the Samar Island. It brings out the violations of human rights which accompany such regimes.

I. A HISTORY OF MILITARIZATION

The history of Samar is replete with accounts of invading armies seeking to contain and control the populace to preserve for those who send the orders, the vast resources of raw materials and cheap labor of the island.

Historians note (Constantino 1975:91) that the first resistance engendered by forced labor in the 1600s during the Spanish colonial period occurred in Samar. Here Sumuroy let the people in destroying the most obvious symbols of Spanish rule, priests and churches, and went as far as assaulting Spanish troops. The simultaneous actions which followed alarmed the Spanish officials who immediately sent for reinforcements and even a General from Manila to crush the rebels.

After Aguinaldo surrendered to the Americans, Samar continued the resistance. So did the Americans continue their pacification drive. The soldiers not only brought torture upon innocent individual Filipinos and committed atrocities but also planned strategies against whole communities. Notorious for this is Brigadier General Jacob H. Smith, who, confronted with stubborn mass resistance, ordered that every Filipino be treated as an enemy unless he actively collaborated with the Americans.

For Balangiga in Samar, Smith reserved the injunction: "I want no prisoners. I want you to kill and burn: the more you kill and burn, the better you will please me." (Schott, 1964 in Constantino 1975).

Neither did the Japanese spare the Samarenos.

Recent development in the island show that militarization has not come to an end.

Military Presence in Samar

Starting from an initial NPA ambush on government troops in May 1974 in southwestern Samar, particularly the Calbiga area, military developments in the island have been ever increasing. The year after, sporadic encounters and ambushes between elements of the Philippine Constabulary and the NPA, shifted government attention to the northeastern sector.

In the midst of these military operations, military atrocities, harassment, torture and summary killings became more and more regular. There were times when barrios were declared no man's land, and where anybody seen may be shot at sight. People evacuated. Barrio schools closed down. There was widespread unemployment, illness and lack of decent housing.

The situation worsened much that by 1977, the Philippine Army took over. At first, the people welcomed what seemed to be disciplined soldiers. But soon the abuses recurred: indiscriminate firing, killing of innocent civilians, military harassment, drunkenness, soldiers demanding food and drink in the barrios, etc. There was no warning of fear. Neither was there a diminution of armed forces or war materials.

Such was the situation in Samar when orders were issued in May this year to saturate the island with three more battalions ostensibly to heighten a pacification campaign. The three battalions —

the 52nd PC Battalion under Lt. Col. Evaristo Ranot,
the 60th PC Battalion under Lt. Col. Manuel Bruan, and,
the 19th Infantry Battalion, PA under Lt. Col. Alejandro Trespeces,
were to form the core of a unified brigade-sized command to be composed of the army, the Philippine constabulary, the air force and the navy under the regional direction of Brig. Gen. Juanito Caboboy. These additional forces were to join the local

provincial commands and elements of the 53rd PC Battalion. (DE 28 May 1979)

In the hope that its tarnished image be polished, the government likewise assigned personnel of the 543rd engineering Construction battalion under Lt. Col. Rogelio Natividad to conduct development work in the area.

For further support, the integrated civilian home defense forces and the Integrated National Police in the three provinces were likewise beefed up.

A brief study of the deployment against a map of Samar would reveal the concentration of forces in the northern portion of the island. Northern Samar appears to be saturated while the two other provinces carry the bulk of military units in their northern halves. While the 53rd is stationed in Leyte, the battalion primarily serves Samar.

Deployment also includes assignment of war material which through the years of pacification has evolved from Krag and Nambu rifles to M-16 armalities, M 14 assault rifles and M-79 grenade launchers. Also specifically assigned to Samar operations are seven attack helicopters, fighter planes and M-60 machine guns and bombs mounted on two armed personnel carriers. Should more equipment be necessary, reinforcements from nearby Cebu may also be called in.

Manifestations of Militarization

Beyond the deployment schedules and an inventory of logistics are the cold facts of a searing war :

- frequent incursions into villages, raids and mopping-up operations in alleged NPA-infested barrios
- increasing conscription of residents—mostly social deviants into paramilitary units like the Integrated Civilian Home Defense Force, Barangay Kawals, Taonods, etc.
- mobilization of reservists into one battalion
- imperative possession of residence certificates, safe-conduct passes, police clearances, barangay captain clearances, etc.

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Koramangla
Bangalore-560034
India

- establishment of numerous checkpoints for searches and other security checks
- increasing surveillance activities plus the formation of a special section in the military assigned to disseminate black propaganda and to form intelligence networks using sects like the PBMA (Philippine Benevolent Missionary Association) the Rizalistas, members of the Iglesia ni Kristo, etc.

II. EFFECTS OF MILITARIZATION

Evacuation and Evacuees

The first clear effects of militarization are seen in the exodus of people. This reality of whole villages being evacuated came to be known outside Samar early in 1978 when military operations pushed more than 600 families off farms and coastal villages into the town centers of Calbiga, Villareal and Zumarraga. Some had reached Cebu and as far as Manila.

In his report on Calbiga, Bishop Ricardo Tancinco, then prelate of Calbayog, remarked that the refugees fled for fear of being harassed and killed by military men during mopping up operations in search of NPAs. Their condition as refugees, he noted, were sub-human. They lived in improvised shacks with no means of livelihood. The children were thin and sickly due to undernourishment, and El Tor (Cholera) had reached epidemic proportions. Worst of all, the people were helpless. The migration had consequent effects on the towns to which they moved. Food shortages occurred due to the evacuation of farmers and the burning of rice fields.

A partial updated report by the Justice and Peace Commission in Samar on the evacuation shows that the number of refugees continues to mount. With the arrival of more government troops, the situation has all but simmered down. Latest figures reveal that 26.1% of all barrios in ten Northern Samar towns have been fully evacuated. Newspapers estimate that 50,000 persons from Northern Samar, mostly small farmers have left their homes "since military operations moved to high gear last June 6." (DE 22 Aug. 79: 50,000 North Samar folk displaced by fighting). About 10%

of these evacuees have found their way to Luzon, eastern and northwestern Samar. The rest are in evacuation sites in poblaciones where they stay in private houses with relatives, or rent at rates ranging from P 15-75 monthly; in makeshift houses along riverbanks; and, in schools and warehouses.

In many instances, they did not choose to leave their homes and farms. They were forced to leave — as those in Catubig, in Laoang and Gamay. Or they were intimidated to leave.

Intimidation comes easy in Samar:

- a barrio is declared no man's land
- extortion
- burning of houses and produce, confiscation of chickens and pigs, killing of carabaos
- strafing
- black propaganda in schools; threats to students, teachers and church workers
- economic blockades
- abuse of women
- lack of due process: illegal detention, torture, summary killings
- indiscriminate firing, drunken soldiers, gambling, etc.

The plain and simple fear of encounters, of military operations, of abuse, is enough reason to leave.

As evacuees, the people of Northern Samar suffer from a new set of problems. Since they could not go back to their farms, there is a scarcity of food which would eventually affect the towns. Meanwhile, as there are no job opportunities in the centers, evacuees remain unproductive.

The need for food and money has led refugees to sell farm animals and copra at exceedingly low prices just to be able to buy rice and salted fish. While copra and other possessions are sold at low prices, store owners and motorboat operators are raising their

charges. Rice is sold at P 6.50 to P 7.00 per kilo instead of the usual P2.10. Motorboat fares have reached P 10.00 to P 20.00 per head. Even cedulas which are necessary for the security of evacuees are issued for at much as P 10.00.

Even while rent for housing has been raised, accommodations are far from ideal. Families that share a house with two or three other families have to sleep in shifts. Conditions are worse in schools which are getting increasingly crowded as more refugees stream in. In some areas, as many as ten families are packed in a room. Those in makeshift places lie on the ground or on pieces of wood tied together along with the pigs, dogs, chickens and kitchen ware. Many stay in boathouses or along the coasts or riverbanks.

The congestion has caused cholera, dysentery, pneumonia and bronchitis, to spread to close to epidemic proportions. Sick persons lie on cold cement floors without the benefits of proper medical attention. Waste is usually not properly disposed of. In one evacuation site, toilets were ordered, forcing people to defecate in nearby fields and rivers. Sick children dispose of waste on the floor, in the rooms, while flies swarm around. The food shortage has greatly affected young children and pregnant and nursing mothers.

Their misery, the people believe, can very well be stopped . . . if only :

1. they be allowed to go to the barrios to get food
2. their houses, crops, stores and farm animals be left
untouched
3. due process of law be afforded NPA suspects
4. rights of political detainees be upheld
5. military operations be put to an end

Meanwhile they suffer.

The refugees in the other Samar provinces have the same stories. With the flight, the immediate problem, particularly of those in isolated coastal towns, is hunger. This, added to an

already poor agricultural output, very low incomes, a literacy rate way below the national average and unemployment.

Illegal Arrests, Detention and Torture

Documentation on this syndrome of militarization would show that the failure to produce a residence certificate was enough basis for the military to detain and even torture a civilian upon the mere suspicion that those without cedulas are NPA fighters or supporters. Due process in arrest and detention is commonly not extended to suspects.

While in the hands of military men, captives are known to have undergone numerous indignities (manhandling, sexual abuse, burning of the skin with cigarettes, dunking of the head into dirty toilet bowls, etc.) Even the dead are mutilated and displayed in town centers.

Harassment and Killings in Villages

Soldiers do not wait until they have brought suspects to army camps. Neither do they, in many cases, hold civilians in deference and much less as the subjects of their "protection and defense".

Through actions ranging from the burning and lootings of villages, the extermination and torture of NPA suspects right within the barrio, to demanding "donations" while armed with armalites, military personnel have sowed tension and fear among villagers.

Other Abuses and Anomalies by the Military

The creativity of the man in uniform, when he destroys, is appallingly unlimited. People's resources on the other hand are dwindling.

Motorboat operators complain that their crafts are always used by PC soldiers who hardly offer any payment. People gripe that soldiers question them in Tagalog, a language they are not familiar with. Peasants are forced to buy beer and food for the soldiers' drinking sprees. There are incidents when they are also forced to dig foxholes and go on mopping-up operations with the soldiers.

Women and their relatives, despite their anger, could not resist PC soldiers who make passes at them or even decide to sleep in their bedrooms permanently.

A farmer, whose family was left without a single grain or rice after soldiers cooked the sack he had, characterized the soldier : “(He) destroys and is greatly feared by the people.”

The Role of the Media

In waging psychological warfare, the government has used the media to project the image of victory after determining that circumstances favor the declaration. Otherwise, the news projects defeat and thus the need to heighten militarization. At other times, the media is also made to report falsehood as in the Abat case and other skirmishes between different units of the military, as treacherous ambushes against the “peace keeping” forces.

Farmers have also testified to their involvement in staged surrenders.

Poverty of the People

The bulk of the population continues to remain in the subsistence sector—mostly as marginal and small peasants and fishermen who live in isolated barrios along the coasts and the river banks on very low incomes.

The UP School of Economics estimates that, based on 1975 government figures, 48 to 55% of the population in Eastern Visayas are poor (approx. 5M) earning between P 3,679 and P 4,083 annually. This is way below the MSSD poverty line of P 7,524. (Discussion Paper 7814, Dec. '78).

Although mainly agricultural, Samar is not self-sufficient in staples like rice and corn. Of the total land area of 1.3M hectares, only 7% is under cultivation. Technology is antiquated and lacking. Unemployment and underemployment plague the populace. Only 66% (compared to the national 83%) of Samar's population of six years and above is literate.

VIIa

Christians Look at Human Rights

Human rights have become the concern of many Christian Churches. We present some extracts from various documents issued by representative groups of different Christian denominations.

I. Human Rights in the Divided World

With regard to Human Rights, the most urgent task is not their declaration; this has already happened almost everywhere. The **urgent task is the implementation** of human rights. Millions of people are unable to realize their right to life for they die as infants in their first year and still more people hunger. It is no use codifying one's right to work if millions are unemployed or fail to receive the honest equivalent of their work in wages. A still wider problem concerns one's right to culture in a world in which illiteracy is spreading and a major part of humanity is barred from exercising their most elementary right to culture.

The equal implementation of equal rights is rendered impossible by the unjust political, economic social and cultural differences and conflicts which mark the present world situation of mankind. In the course of historical development not only individuals but whole social strata and peoples have been put to disadvantage as against privileged classes, groups and capitalist interests.

For this reason, even on the basis of equal rights, they are not in a position to exercise their human rights in the same and equal manner. On the contrary, on the basis of the principle of equal rights, these social, economic and cultural differences and inequalities, because of the existing differences, instead of being reduced, are actually growing.

In the course of history, it has been made more difficult for Christians, entangled with the Bourgeois society, to have a clear view and assessment of the world situation since they have stood and, to some extent, still stand under the influence of the ideo-

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logy of liberal individualism. In terms of this ideology, one must consider the interests of capitalistic enterprises as defensible, and, at the same time, because of the lower value of individual production, one may find excuse for the lower wages of the working class of the underdeveloped peoples and their lower standard of life.

Christianity must be freed from the ideology of the individualistic kind of liberal humanism in order to understand that the equal realization of the equal human rights presupposes general help to be given to the oppressed, exploited, underprivileged and underdeveloped peoples, and to realize that, for this purpose, the privileged positions of the privileged classes, hid behind the facade of the principle of private property, must be ended. It is not the ideology of collectivistic humanism that Christians should adopt, but they must understand that, according to the Scriptures, human dignity means the common dignity of the whole human race.

The debate between individualistic and communal, liberal or socialist humanism, will not be decided in the theoretical field; it will be decided by the facts of history. Ecumenical circles like to quote the statement that the gap between the poor and rich, advanced and developing nations and peoples are not narrowing but rather widening.

This assessment has the basic weakness that it makes a global review of the situation and does not distinguish between the capitalist world and the closely linked Third World and, on the other hand, between the socialist camp and that part of the Third World which is liked with the Socialist countries. For, in the socialist world, the differences are not growing, but proportionately to the development of socialism, they are diminishing. One must take cognizance of the fact that, just as the present unjust divisions of mankind have resulted from an historical process, it will also be in the course of a process that humanity as a whole will come into the full possession of human rights.

It is of course impossible, in the various socialist countries, to liquidate at once the contradictions carried over from the past. Our experiences in this country (Hungary) tell us how great efforts are needed in order to elevate the members of an economically and

culturally oppressed class to the level on which they are able equally to make use of the human rights. The bringing about of proper living conditions is probably a lesser task than the raising of the cultural level.

We deal with living persons for whom the revolutionary transformation means a wearisome learning process. The thinking of people must also change in order that they may be able to work and love not against each other but for the good of each other. There is an open door for Christianity also for taking part in social construction. But it must also be said that Christians too must be liberated from their often very Christian looking individualism which often serves to hide their selfish interests.

*(Source : "In Jesus Christ - a New Community",
The Evangelical Lutheran Church in Hungary, 1977.)*

II. From a Moral Question to a Political Issue

We affirm that it is our task as Christians to promote, together with those who have different beliefs, the realization of full freedom of thought, conscience, and religion, and we emphasize the right to practise the community of faith across national borders. We explicitly declare that freedom of conscience includes the right not to adhere to any religion.

We know that in the various social systems only certain human rights are realized while others are neglected. For example, in the Western industrial nations individual freedom rights are stressed, while in the socialist states of Eastern Europe basic social rights have priority. But we must insist that the civil liberties, the right to equality and non discrimination, and the right to share in the resources of society and in political power are all inseparable.

Above all, voices must be raised against the misuse of power by the powerful where they ignore or circumvent the rights of the weak. Therefore effective protection of human rights also requires a redistribution of power and the creation of structures and systems that effectively protect the rights of the individual and of society.

This applies also in international relations. As long as underprivileged groups and countries have to rely on the benevolent observance by the powerful of justice and fairness, they are not adequately protected against the violation of their rights in this world.

Paul's letter to the Romans places us all under God's judgement and calls us to repentance (Rom. 1:1 ff). Any form of self-righteousness and self-justification is forbidden. Our testimony against the violation of the rights of others is credible only if we admit where we have failed and lay ourselves open to the judgement of God. The knowledge that we ourselves are unjust should not prevent us from calling injustice injustice — in respect of ourselves as well as of others (Matt. 7:1-2).

Since the report of the LWF Human Rights Consultation entitled "Theological Perspectives in Human Rights" is to be transmitted to all member churches for study and appropriate action, it is recommended that the Churches be requested to send in to the LWF within one year their reactions based on their own experience.

The document includes among others the following significant statements :

1. We recommend to the LWF and its member churches to engage in honest and open **self-criticism** so that they may be able to identify how and where they themselves contribute by their institutional set-up and by their practices to continued human rights violation. Efforts are necessary to combat the danger of self-centredness in the institutional life of the church and the *embourgeoisement* of the churches' own leadership which ends to separate the clergy from the people. . .
2. In order to receive the necessary backing for the tasks (related to the implementation of human rights), the LWF and its member churches may have to initiate an intensive educational process within their own constituency. . .

3. Finally, the LWF is urged to strengthen contact with different international human rights groups to share experiences and to cooperate in concrete cases. . .

(Source : *"Human Rights Statement"*, Lutheran World Federation Assembly (LWF), Dar-Es-Salaam, 1977)

III. Human Rights and their Historical Background

When discussing human rights, one must know what one is talking about. One must keep in mind the fact that human rights have a long history. During this long history, they have not always had the same value and the same significance. . .

Human Rights existed in Antiquity. But at that time — under the conditions of a slave society — the terms "human being" and "freedom" applied only to slave-owners. Unfortunately, this situation has not yet changed much in certain regions of Africa, Latin America and also Asia and Europe.

However, the era of Christianity lies between our times and the Antiquity.

Consider the following as a basic truth of Christianity : "Every man is equal before God, having been created according to His image" — whether his complexion is black, yellow, red or white.

Christ lived for all people and died for all. And He also taught them all that they have a single Father.

Even he who is not familiar with the state philosophies and the development of human rights, admits that this fundamental truth of Christianity should constitute the point of departure with regard to the problem of human rights.

Jesus Christ vested us with human dignity. So deep are the roots of human rights.

However, we know that European humanity did not become linked to the early Christian Community, but to the legal conditions prevailing in ancient Rome. Christianity mitigated those conditions. The multistratified form of feudalism developed from

the ancient society of slave-owners. The small city-states—especially in Italy—provided limited liberties to their citizens. Nevertheless, all through that large epoch known as the Middle Ages, a firmly established stratification of the socio-political structures remained intact.

Then, as the feudal system began to be shaky at the time of the Reformation and peasant wars, a change became inevitably due one day. In the 17th and 18th centuries, an ever-increasing number of people were becoming aware that the still-existing feudal system no longer corresponded to the actual needs and conditions.

The philosophy which emerged at the time related its concepts of the state no longer to the divine order of salvation but to secularized man. Man was no longer considered as being integrally tied to the church order, but was transplanted into a temporal system.

The pioneers of this change were the French and English philosophers who formulated new societal and state concepts on the basis of the new laws of economic life...

The French carried out a revolution in 1789 in which the slogan "Liberty, Equality, Fraternity" was coined. When the revolutionaries eliminated the corrupt and bankrupt system of French feudalism, they adopted a constitution in which human rights such as the freedom of opinion, the press and religious belief, equality before the law, etc., were proclaimed.

Only the bourgeoisie asserted for itself the right to democratic co-decisions concerning state affairs — this did not apply to the "fourth estate", i.e. the indigent masses...

Liberalism and the theory of a "free economy", which initiated their triumphant march in the 19th century, caused the total disappearance of any idea of "fraternity". "A free path for the efficient" was the slogan of those days and advancing capitalism brought with it the reign of the law of profit. He who was efficient in profit-making had a "free path" ahead of him. Human rights

for the proletariat? Marx and Engels showed us how things looked in this respect. . .

If we now wish to make the notion of human rights ring true, we must reverse the slogan "Liberty, Equality, Fraternity" so as to read "Fraternity, Equality, Liberty".

If we see the down-trodden people in Zimbabwe, Namibia and South Africa as our brothers and sisters, if we are solidary with them against their oppression, we are implementing the principle of "equality". If we have fought for the equality of all men, we can speak of "liberty". This liberty cannot imply a boundless self-assertion of the individual, but it must always remain within certain limits, since wherever "fraternity" reigns and the "equality" of all becomes law, "liberty" acquires a new meaning.

(Source : "The Human Rights Debate and Its Historical Background", By Prof. Renate Riemeck, Evangelical Church in Germany, FRG, 1977).

IV. Towards a Corporate Witness

Today there are structural impediments which deny access of large sections of society to the spiritual and material goods which belong to the community in which they live. These obstacles foment alienation. They offend the dignity of the human person, and in effect estrange large masses of people who have no normal outlets or means of expression to claim and establish their fundamental rights.

The irresponsible behaviour of those who allow such a state of affairs to continue is incompatible with the demands of the Gospel and must be boldly condemned. This is the reason why the Church has the right, indeed the duty, to proclaim justice on the social, national and international level, and to denounce instances of injustice, when the fundamental rights of men and his very salvation demand it. . .

A study of the world today raises grave questions for serious consideration. A merely superficial glance is sufficient to reco-

gnize that the rights of the human person are systematically violated in an ever large number of countries and communities. Racial and ethnic discrimination, the violent subjection of large majorities to the exercise of power by minorities, the persecution of dissident intellectuals, physical and mental torture, brutality and terrorism against defenceless peoples, deprivation of religious liberty even by force, widespread legalization of abortion, exploitation of migrant workers, extreme poverty, hunger and illiteracy, which are still the lot of large sections of mankind, are only some of the many examples of widespread offenses against human rights in various parts of the world, to the serious loss both of individuals and segments of society. . .

There can be no doubt, however that the Catholic Church, as indeed the other Christian Churches, has a collective responsibility where politics are concerned. . .

There is a tendency in some quarters to discredit any social or corporate witness by Christians as "triumphalist" and to reserve approval solely to individual, anonymous intervention. . .

If the defence and promotion of human rights are to be an effective credible and truly evangelical witness there must be a joint effort. . .

It is furthermore imperative to find common guidelines for concrete political action by Christians, in order to unite their energies for more effective combined effort without artificially diminishing the legitimate variety of possible options.

Christian organizations, under their different forms, have a responsibility for collective action. . .

It may be that the form of education which many members of the Church have received has given rise to a narrow individualism which is slow to recognize the rights of the others, whereas they should have been made more open and ready to live together in brotherly fellowship guaranteeing true peace and unity upon earth.

(Source : *"The Church and Human Rights"*, the Pontifical Commission. *"Justice and Peace"*, Vatican City, 1975).

VII_b

The Catholic Church and Human Rights

Although the Church in the past has shown some reticence on the question of human rights, since Vatican II, however, it has taken a definite stand. But it is the Encyclical Letter of Pope John XXIII, "Peace on Earth" which has spelt out in detail the meaning and the demands of human rights.

I. TEXTS FROM VATICAN II

Fundamental Rights of the Person

With respect to the fundamental rights of the person, every type of discrimination, whether social or cultural, whether based on sex, race, color, social condition, language, or religion, is to be overcome and eradicated as contrary to God's intent. For in truth it must still be regretted that fundamental personal rights are not yet being universally honored. Such is the case of a woman who is denied the right and freedom to choose a husband, to embrace a state of life, or to acquire an education or cultural benefits equal to those recognized for men. (The Church in the Modern World, No. 29).

The Gospel and Human Rights

By virtue of the gospel committed to her, the Church proclaims the rights of man. She acknowledges and greatly esteems the dynamic movements of today by which these rights are everywhere fostered. Yet these movements must be penetrated by the spirit of the Gospel and protected against any kind of false autonomy. For we are tempted to think that our personal rights are fully ensured only when we are exempt from every requirement of divine law. But this way lies not the maintenance of the dignity of the human person, but its annihilation. (The Church in the Modern World, No. 41).

Human Rights and Political Life

From a keener awareness of human dignity, there arises in many parts of the world a desire to establish a politico-juridical

order in which personal rights can gain better protection. These include the rights of free assembly, of common action, of expressing personal opinions and of professing a religion both privately and publicly. For, the protection of personal rights is a necessary condition for the active participation of citizens, whether as individuals or collectively, in the life and government of the state. (The Church in the Modern World, No. 73).

Personal and Civic Rights

Among numerous people, cultural, economic and social progress has been accompanied by a desire to assume a larger role in organizing the life of the political community. In many consciences, there is a growing intent that the rights of national minorities be honored while at the same time these minorities honor their duties toward the political community. In addition, men are learning more every day to respect the opinions and religious beliefs of others. At the same time a broader spirit of cooperation is taking hold. Thus all citizens, and not just a privileged few, are actually able to enjoy personal rights. (The Church in the Modern World, No. 73)

II. TEXTS FROM "PEACE ON EARTH"

The Foundation of Rights

Any human society, if it is to be well-ordered and productive, must lay down as a foundation this principle, namely, that every human being is a person, that is, his nature is endowed with intelligence and free will. By virtue of this, he has rights and duties of his own, flowing directly and simultaneously from his very nature, which are therefore universal, inviolable and inalienable.

If we look upon the dignity of the human person in the light of divinely revealed truth, we cannot help but esteem it far more highly; for men are redeemed by the blood of Jesus Christ, they are by grace the children and friends of God and heirs of eternal glory.

The Right to Life and a Worthy Standard of Living

Beginning our discussion of the rights of man, we see that every man has the *right to life, to bodily integrity, and to the*

means which are necessary and suitable for the proper development of life ; These are primarily food, clothing, shelter, rest, medical care, and finally the necessary social services. Therefore a human being also has the right to security in cases of sickness, inability to work, widowhood, old age, unemployment, or in any other case in which he is deprived of the means of subsistence through no fault of his own.

Rights Pertaining to Moral and Cultural Values

By the natural law every human being has the *right to respect for his person, to his good reputation ; the right to freedom in searching for truth and in expressing and communicating his opinions, and in pursuit of art, within the limits laid down by the moral order and the common good ; and he has the right to be informed truthfully about public events.*

The natural law gives man *the right to share in the benefits of culture, and therefore to a basic education and to technical and professional training in keeping with the stage of educational development in the country to which he belongs. Every effort should be made to ensure that persons be enabled, on the basis of merit, to go on to higher studies, so that, as far as possible, they may occupy posts and take on responsibilities in human society in accordance with their natural gifts and the skills they have acquired.*

The Right to Worship God According to One's Conscience

Every human being has the right to honour God according to the dictates of an upright conscience and publicly On this point our Predecessor of immortal memory, Leo XIII, declared : This genuine, this honourable freedom of the sons of God, which most nobly protects the dignity of the human person, is greater than any violence or injustice ; it has always been sought by the Church, and always most dear to Her. This was the freedom which the Apostles claimed with intrepid constancy, which the apologists defended with their writings, and which the Martyrs in such numbers consecrated with their blood.

The Right to Choose Freely One's State of Life

Human beings have the right to choose freely the state of life which they prefer, and therefore the *right to set up a family, with*

equal right and duties for man and woman, and also the right to follow a vocation to the priesthood or the religious life.

The *family*, grounded on marriage freely contracted, monogamous and indissoluble, is and must be considered the first and essential cell of human society. To it must be given every consideration of an economic, social, cultural and moral nature which will strengthen its stability and facilitate the fulfilment of its specific mission.

Right to Proper Working Conditions and Wages

Human beings have the natural right to free initiative in the economic field, and *the right to work*.

Indissolubly linked with those rights is the *right to working conditions* in which physical health is not endangered, morals are safeguarded, and young people's normal development is not impaired. *Women have the right to working conditions* in accordance with their requirements and their duties as wives and mothers.

There is the right to a working wage, determined according to the criterion of justice, and sufficient, therefore, in proportion to the available resources, to give the worker and his family a standard of living in keeping with the dignity of the human person.

The Right to Emigrate and Immigrate

Every human being has the right to freedom of movement and of residence within the confines of his own country; and, where there are just reasons for it, the right to emigrate to other countries and take up residence there. The fact that one is citizen of a particular State does not detract in any way from his membership of the human family as a whole, nor from his citizenship of the world community.

Political Rights

The dignity of the human person involves the right to take an active part in public affairs and contribute one's part to the common good of the citizens.

The *human person is also entitled to juridical protection of his rights, a protection that should be efficacious, impartial and inspired by the true norms of justice.*

VIIIa

Amnesty International

Many people have heard about Amnesty International. Yet, few may have a clear idea about what it is. We give a short description of the Organisation. Those who wish to have more details, will find "Amnesty International Report 1977", Vikas Publishing House, 1977. (Price Rs. 95), a very useful book.

They could also obtain information from : Amnesty International, Indian Section, 2, Telegraph Lane, NEW DELHI - 110001,

Amnesty International is an international non-governmental human rights organisation which works for prisoners. Its objectives are defined in its Statute as :

Considering that every person has the right freely to hold and to express his convictions and the obligation to extend a like freedom to others, the objects of Amnesty International shall be to secure throughout the world the observance of the Universal Declaration of human Rights, by :

- a. irrespective of the political consideration, working towards the release of, and providing assistance to persons who, in violation of the aforesaid provisions, are imprisoned, detained, restricted or otherwise subjected to physical coercion or restriction by reason of their political, religious or other conscientiously held beliefs or by reason of their ethnic origin, colour or language, provided that they have not used or advocated violence (hereafter referred to as "Prisoners of Conscience");
- b. opposing by all appropriate means the detention of any Prisoners of Conscience or any political prisoners without trial within a reasonable time or any trial procedures relating to such prisoners that do not conform to recognized norms to ensure a fair trial;

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- c. opposing by all appropriate means the imposition and infliction of death penalties and torture or other cruel, inhuman or degrading treatment or punishment of prisoners or other detained or restricted persons whether or not they have used or advocated violence.

Amnesty International opposes torture and the death penalty in all cases and without reservation. It advocates fair and early trials for all political prisoners and works on behalf of persons detained without charge or without trial and those detained after expiry of their sentences.

Amnesty International seeks observance, throughout the world, of the United Nations Universal Declaration of Human Rights, and the UN Standard Minimum Rules for the Treatment of Prisoners.

Amnesty International has 2,000 adoption groups, and national sections in 35 countries in Africa, Asia, Europe, the Middle East, North America and Latin America, and individual members in a further 74 countries. Each adoption group works for at least two prisoners of conscience in countries other than its own. These countries are balanced geographically and politically to ensure impartiality. Information about the prisoners and human rights violations emanates from Amnesty International's Research Department in London.

Amnesty International has consultative status with the United Nations, ECOSOC, UNESCO and the Council of Europe, has cooperative relations with the Inter-American Commission on Human Rights of the Organization of American States, and has observer status with the Organization of African Unity (Bureau for the Placement and Education of African Refugees).

Amnesty International is financed by subscriptions and donations of its worldwide membership. To safeguard the independence of the Organization, all contributions are strictly controlled by guidelines laid down by AI's International Council, and income and expenditure are made public in an annual financial report.

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A source book on matters concerning the conditions of political prisoners all over the world, including India.

Ian Brownlie : *Basic Documents on Human Rights* (Clarendon Press - Oxford University Press, 1971, Price £ 3.50).

A handbook of sources on human rights with introductory notes. Particular attention has been paid to major international agreements, regional developments, the work of the International Labour Organization, the concept of equality, and the economic foundations of human rights.

Subhas C. Kashyap : *Human rights and Parliament* (Metropolitan Book Co. Pvt. Ltd., New Delhi, 1978, Price Rs. 75/-).

The first part of the book attempts to clarify the meaning, scope and ramifications of the concept of human rights in the Indian context. The focus is mainly on the actual role of parliament in the field of human rights' concerns in India.

The second part is a collection of documents on human rights which include U.N. essential documents on human rights, and many documents related to the Indian situation such as the constitution of India Bill, 1895; the Karachi Congress Resolutions on Fundamental rights and Economic changes, 1931; Swaran Singh Committee Report on Constitutional Reforms, 1976 etc.

Claude M. Lightfoot : *Human Rights U.S. Style - from Colonial times through the New Deal*. (International Publishers, New York, 1977, Price Rs. 4.50).

A leftist American writer reviews the fate of human rights throughout the history of the United States.

Erich & Marilyn Weingartner : *Human Rights is more than human rights - a primer for Churches on security and co-operation in Europe*. (IDOC International, Rome 1977).

This book by IDOC (International Documentation and Communication Centre), an independent, transconfessional information

Centre, specializing in documentation and research on the contemporary Christian experience within a process of socio-political change and human liberation, enlarges the debate on human rights to all its dimensions. It is one of the best books available on the topic. Address of the centre is: IDOC, Via S. Maria dell'Anima 30, Rome 00186, Italy.

Amnesty International Newsletter :

A monthly newsletter of Amnesty International giving detailed information on the promotion or violations of political rights. Address: AMNESTY INTERNATIONAL PUBLICATIONS, 79115, Dr. C. W. W. Konnangara Mawatha, Colombo-7, Sri Lanka.

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About This Dossier

This Dossier on "Human Rights" was first produced in a cyclostyled form two years ago. Because of the requests for more copies, we have brought out this revised printed edition.

One of the purposes of the Dossier is to make easily available some of the basic documents on Human Rights, which have come out of the deliberations of official bodies, more specifically of the U. N., and its affiliated organizations.

"Human Rights" have often been used by the economically powerful to better exploit the poor under the camouflage of human considerations. Yet, all these documents cannot be dismissed, too lightly, either. As far as they indicate the new juridical and cultural superstructures, which nations are attempting to build together, these documents deserve our attention and a careful ideological analysis. If they have been used to camouflage exploitation and a great deal of hypocrisy, they can also be used to promote a new order, respectful of man !

Our purpose in bringing out this Dossier is not only to supply information, but to motivate as many people as possible to actively participate in the promotion of the rights of those who, in our present social system, have been for so long, denied the most basic human rights, such as the right to work, fair wages, freedom from hunger, education, the right to form trade-union, etc. Human Rights is, thus, the concern of every one.

This is the first of a series of Dossiers which will document some of the most important problems of society. The next one will be on "NON-FORMAL EDUCATION". A few others will follow on "Caste", "Science, technology and society", "Asian issues", "The Agrarian Question", and "Socialism".

DOCUMENTATION CENTRE

N.B. It will only serve a good cause if you use/reproduce the material of this Dossier in any manner you think most useful.

Universal Declaration of Human Rights

(1948)

Every man has the same fundamental and equal rights. Yet everyday, in country after country these rights are being violated. People have the right to food; yet hundreds of thousands are starving. People have the right to work; yet millions are unemployed. People have the right to freedom of thought; yet tens of thousands are imprisoned and tortured for their beliefs.

Each violation of human rights, wherever it occurs, is a threat to the welfare and dignity of man. The protection of human rights therefore, is a worldwide responsibility which transcends all racial, ideological and geographical boundaries.

*The most widely recognised statement of human rights is the **United Nations Universal Declaration of Human Rights**. This was adopted by the UN General Assembly on Dec. 10, 1948 "as a common standard of achievements for all peoples and all nations."*

The Declaration, however, does not have the force of law. It is not a treaty but an internationally endorsed statement of principles. It is reproduced below in its entirety.

Preamble

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and

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want has been proclaimed as the highest aspiration to the common people,

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

Whereas it is essential to promote the development of friendly relations between nations,

Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

Whereas Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

Now, Therefore,

The General Assembly

Proclaims

This Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

Article 1

All human beings are born free and equal in dignity and rights. They are endowed with reasons and conscience and should act towards one another in a spirit of brotherhood.

Article 2

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 3

Everyone has the right to life, liberty and security of person.

Article 4

No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

Article 5

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 6

Everyone has the right to recognition everywhere as a person before the law.

Article 7

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 8

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

Article 9

No one shall be subjected to arbitrary arrest, detention or exile.

Article 10

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Article 11

1. Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.

2. No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

Article 12

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Article 13

1. Everyone has the right to freedom of movement and residence within the borders of each State.

2. Everyone has the right to leave any country, including his own, and to return to his country.

Article 14

1. Everyone has the right to seek and to enjoy in other countries asylum from persecution.

2. This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

Article 15

1. Everyone has the right to a nationality.

2. No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

Article 16

1. Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

2. Marriage shall be entered into only with free and full consent of the intending spouses.

3. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Article 17

1. Everyone has the right to own property alone as well as in association with others.

2. No one shall be arbitrarily deprived of his property.

Article 18

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 19

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 20

1. Everyone has the right to freedom of peaceful assembly and association.
2. No one may be compelled to belong to an association.

Article 21

1. Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.
2. Everyone has the right of equal access to public service in his country.
3. The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

Article 22

Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international cooperation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Article 23

1. Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.
2. Everyone, without any discrimination, has the right to equal pay for equal work.

3. Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

4. Everyone has the right to form and to join trade unions for the protection of his interests.

Article 24

Everyone has the right to rest and leisure including reasonable limitation of working hours and periodic holidays with pay.

Article 25

1. Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

2. Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

Article 26

1. Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

2. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

3. Parents have a prior right to choose the kind of education that shall be given to their children.

Article 27

1. Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

2. Everyone has the right to the protection of the moral and material interests resulting from any scientific literary or artistic production of which he is the author.

Article 28

Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

Article 29

1. Everyone has duties to the community in which alone the free and full development of his personality is possible.

2. In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

3. These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

Article 30

Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

The International Covenants on Human Rights and Optional Protocol

(1966)

EXPLANATORY INTRODUCTION

When the Universal Declaration of Human Rights was proclaimed by the General Assembly in 1948, it was viewed as the first step in the formulation of an "international bill of human rights" that would have legal as well as moral force.

To give legal form to the provisions of the declaration, the United Nations have adopted two international covenants which are legally binding upon every nation which becomes a party to them. These are :

- 1. The International Covenant on Economic, Social and Cultural Rights.**
- 2. The International Covenant on Civil and Political Rights.**

*The covenant on Civil and Political rights is completed by an **Optional Protocol**.*

The two covenants and the optional protocol came into force in early 1976. By early 1978, almost 50 nations had become parties to them.

A country ratifying the Covenant on Economic, Social and Cultural Rights *acknowledges its responsibility to promote better living conditions for its people. It recognises everyone's right to work, to fair wages, to social security, to adequate standards of living and freedom from hunger, and to health and education. It also undertakes to ensure the right of everyone to form and join trade unions.*

A country ratifying the Covenant on Civil and Political Rights undertakes to protect its people by law against cruel, inhuman or degrading treatment. It recognises the right of every human being to life, liberty, security and privacy of person. The Covenant prohibits slavery, guarantees the right to a fair trial and protects persons against arbitrary arrest or detention. It recognizes freedom of thought, conscience and religion; freedom of opinion and expression; the right of peaceful assembly and of emigration; and freedom of association.

Implementation measures have been foreseen. States having ratified the Covenant on Civil and Political Rights will elect a Human Rights Committee composed of 18 persons acting in an individual capacity. This committee will consider reports submitted by the State Parties and may address general comments to these States, as well as to the Economic and Social Council.

The **Optional Protocol** which became effective in March 1976, enables the Human Rights Committee to consider **communications from private individuals** claiming to be the victims of a violation by a State Party to that Protocol of any of the rights set forth in the Covenant.

So far India has abstained from signing any of these Covenants. In the appendix which follows the extracts from the Covenants, we give the nations which, so far, have signed either of or the two Covenants.

International Covenant on Economic, Social and Cultural Rights (1966)

The States Parties To The Present Covenant,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Recognizing that, these rights derive from the inherent dignity of the human person,

Recognizing that, in accordance with the Universal Declaration of Human Rights, the ideal of free human beings enjoying freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his economic, social and cultural rights, as well as his civic and political rights,

Considering the obligation of States under the Charter of the United Nations to promote universal respect for, and observance of, human rights and freedoms,

Realizing that the individual, having duties to other individuals and to the community to which he belongs, is under a responsibility to strive for the promotion and observance of the rights recognised in the present Covenant,

Agree upon the following articles :

Article 1

1. All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

2 All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence . . .

Article 3

The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in the present Covenant.

Article 6

1. The States Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right . . .

Article 8

The States Parties to the present Covenant undertake to ensure :

(a) The right of everyone to form trade unions and join the trade union of his choice, subject only to the rules of the organization concerned, for the promotion and protection of his economic and social interests. No restrictions may be placed on the exercise of this right other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others . . .

(c) The right of trade unions to function freely subject to no limitations other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others . . .

(d) The right to strike, provided that it is exercised in conformity with the laws of the particular country . . .

Article 9

The States Parties to the present Covenant recognize the right of everyone to social security, including social insurance.

Article 10

The States Parties to the present Covenant recognize that :

1. The widest possible protection and assistance should be accorded to the family, which is the natural and fundamental group unit of society, particularly for its establishment and while it is responsible for the care and education of dependent children. Marriage must be entered into with the free consent of the intending spouses.

2. Special protection should be accorded to mothers during a reasonable period before and after childbirth. During such period working mothers should be accorded paid leave or leave with adequate social security benefits.

3. Special measures of protection and assistance should be taken on behalf of all children and young persons without any discrimination for reasons of parentage or other conditions. Children and young persons should be protected from economic and social exploitation. Their employment in work harmful to their morals or health or dangerous to life or likely to hamper their normal development should be punishable by law. States should also set age limits below which the paid employment of child labour should be prohibited and punishable by law.

Article 11

1. The State Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing, housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.

2. The States Parties to the present Covenant, recognizing the fundamental right of everyone to be free from hunger, shall

take, individually and through international co-operation, the measures, including specific programmes, which are needed :

(a) To improve methods of production, conservation and distribution of food by making full use of technical and scientific knowledge, by disseminating knowledge of the principles of nutrition and by developing or reforming agrarian systems in such a way as to achieve the most efficient development and utilization of natural resources ;

(b) Taking into account the problems of both food-importing and food-exporting countries, ensure an equitable distribution of world food supplies in relation to need . . .

Article 13

1. The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace...

2. The States Parties to the present Covenant recognize that, with a view to achieving the full realization of this right :

(a) Primary education shall be compulsory and available free to all;

(b) Secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education;

(c) Higher education shall be made equally accessible to all on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education;

(d) Fundamental education shall be encouraged or intensified as far as possible for those persons who have not received or completed the whole period of their primary education;

(e) The development of a system of schools at all levels shall be actively pursued, an adequate fellowship system shall be established, and the material conditions of teaching staff shall be continuously improved.

Article 15

1. The States Parties to the present Covenant recognize the right of everyone :

(a) To take part in cultural life;

(b) To enjoy the benefits of scientific progress and its applications;

(c) To benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production, of which he is the author.

2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for the conservation, the development and the diffusion of science and culture.

3. The States Parties to the present Covenant undertake to respect the freedom indispensable for scientific research and creative activity.

4. The States Parties to the present Covenant recognize the benefits to be derived from the encouragement and development of international contacts and co-operation in the scientific and cultural fields.

Article 16

1. The States Parties to the present Covenant undertake to submit in conformity with this part of the Covenant reports on the measures which they have adopted and the progress made in achieving the observance of the rights recognized herein.

International Covenant On Civil And Political Rights

(1966)

The States Parties to the present Covenant . . . agree upon the following articles :

Article 3

. . . The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all civil and political rights set forth in the present Covenant.

Article 4

1. In the time of public emergency which threatens the life of the nation and the existence of which is officially proclaimed, the States Parties to the present Covenant may take measures derogating from their obligations under the present Covenant to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with their other obligations under international law and do not involve discrimination solely on the ground of race, colour, sex, language, religion or social origin . . .

Article 6

1. Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life . . .

Article 7

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment . . .

Article 8

1. No one shall be held in slavery; slavery and the slave-trade in all their forms shall be prohibited.

Article 19

1. Everyone shall have the right to hold opinions without interference.

Article 20

1. Any propaganda for war shall be prohibited by law . . .

Article 21

The right to peaceful assembly shall be recognised . . .

Article 25

Every citizen shall have the right and the opportunity :

a) to take part in the conduct of public affairs, directly or through freely chosen representatives; . . .

Article 28

1. There shall be established a Human Rights Committee (hereafter referred to in the present Covenant as the Committee).

II d

Optional Protocol to the International Covenant on Civil and Political Rights (1966)

The States Parties To the Present Protocol . . .

HAVE AGREED AS FOLLOWS :

Article 1

A state party to the Covenant that becomes a party to the present Protocol recognizes the competence of the Committee to receive and consider communications from individuals subject to its jurisdiction who claim to be victims of a violation by the State Party of any of the rights set forth in the Covenant . . .

2. No one shall be held in servitude.

3. No one shall be required to perform forced or compulsory labour . . .

Article 9

1. Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention . . .

2. Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him.

3. Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release . . .

Article 11

No one shall be imprisoned merely on the ground of inability to fulfil a contractual obligation.

Article 14

1. All persons shall be equal before the courts and tribunals . . .

5. Everyone convicted of a crime shall have the right to his conviction and sentence being reviewed by a higher tribunal according to law.

Article 15

1. No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence, under national or international law, at the time when it was committed . . .

Article 16

Everyone shall have the right to recognition everywhere as a person before the law.

Article 18

1. Everyone shall have the right to freedom of thought, conscience and religion . . .

Table of Signatures, Ratifications, Accessions of with regard to

The International Covenant on Economic, Social and Cultural Rights.

The International Covenant on Civil and Political Rights.

The Optional Protocol to the International Covenant on Civil and Political Rights. (as in January, 1978)

States	ESCR	CP	OCP
Afghanistan			
Albania			
Algeria	S	S	
Angola			
Argentina	S	S	
Australia	X	S	
Austria	S	S	S
Bahamas			
Bahrain			
Bangladesh			
Barbados	X	X	X
Belgium	S	S	
Benin			
Bhutan			
Bolivia			
Botswana			
Brazil			
Bulgaria	X	X	
Burma			
Burundi			
Byelorussian SSR	X	X	
Canada	X	X	
Cape Verde			
Central African Empire			

States	ESCR	CP	OCP
Chad			
Chile	x	x	
Colombia	x	x	x
Comoros			
Congo			
Costa Rica	x	x	x
Cuba			
Cyprus	x	x	s
Czechoslovakia	x	x	
Democratic Kampuchea			
Democratic People's Republic of Korea			
Democratic Yemen			
Denmark	x	xd	x
Djibouti			
Dominican Republic	x	x	x
Ecuador	x	x	x
Egypt	s	s	
El Salvador	s	s	s
Equatorial Guinea			
Ethiopia			
Fiji			
Finland	x	xd	x
France			
Gabon			
Gambia			
German Democratic Republic	x	x	
Germany, Federal Republic	x	xd	
Ghana			
Greece			
Guatemala			
Guinea	s	s	s

States	ESCR	CP	OCP
Guinea-Bissau			
Guyana	x	x	
Haiti			
Holy See			
Honduras	s	s	s
Hungary	x	x	
Iceland			
India			
Indonesia			
Iran	x	x	
Iraq	x	x	
Ireland	s	s	
Israel	s	s	
Italy	s	s	s
Ivory Coast			
Jamaica	x	x	x
Japan			
Jordan	x	x	
Kenya	x	x	
Kuwait			
Laos People's Democratic Republic			
Lebanon	x	x	
Lesotho			
Liberia	s	s	
Libyan Arab Republic	x	x	
Liechtenstein			
Luxembourg	s	s	
Madagascar	x	x	x
Malawi			
Malaysia			
Maldives			
Mali	x	x	

States	ESCR	CP	OCP
Malta	S		
Mauritania			
Mauritius	X	X	X
Mexico			
Monaco			
Mongolia	X	X	
Morocco	S	S	
Mozambique	-	-	
Nauru			
Nepal			
Netherlands	S	S	S
New Zealand	S	S	
Nicaragua			
Niger			
Nigeria			
Norway	X	xd	X
Oman			
Pakistan			
Panama	X	X	X
Papua New Guinea	-	-	-
Paraguay			
Peru	X	X	S
Philippines	X	S	S
Poland	X	X	
Portugal	S	S	
Qatar			
Republic of Korea			
Romania	X	X	
Rwanda	X	X	
Samoa			
San Marino			
Sao Tome & Principe			
Saudi Arabia			
Senegal	S	S	S
Seychelles			

States	ESCR	CP	OCP
Sierra Leone			
Singapore			
Somalia			
South Africa			
Spain	x	x	
Sri Lanka	-	-	
Sudan			
Surinam	x	x	x
Swaziland			
Sweden	x	xd	x
Switzerland			
Syrian Arab Republic	x	x	
Thailand			
Togo			
Tonga			
Trinidad and Tobago			
Tunisia	x	x	
Turkey			
Uganda			
Ukrainian SSR	x	x	
Union of Soviet Socialist Republics	x	x	
United Arab Emirates			
United Kingdom of Great Britain & Northern Ireland	x	xd	
United Republic of Cameroon			
United Republic of Tanzania	x	x	
United States of America	s	s	
Upper Volta	-	-	
Uruguay	x	x	x
Venezuela	x	x	x
Vietnam			

States	ESCR	CP	OCP
Yemen			
Yugoslavia	x	x	
Zaire	x	x	
Zambia			x

ESCR : International Covenant on Economic, Social and Cultural Rights.

CP : International Covenant on Civil and Political Rights.

OCP : Optional Protocol to the International Covenant on Civil and Political Rights.

	Total No. of States Parties	Signatures not followed by ratification
ESCR :	46	23
CP :	44	24
OCP :	16	11

x : Ratification, accession, notification of succession, acceptance or definitive signature.

s : Signature not yet followed by ratification.

s x : Action taken in 1977.

d : Declaration recognizing the competence of the Human Rights Committee under Article 41 of C P.



Helsinki Declaration (1975)

Final Act of the Conference on Security and Cooperation in Europe

The Conference on Security and Cooperation in Europe (CSCE) which opened at Helsinki on July 1975 and continued at Geneva from 18 September, 1973 to 21 July, 1975, was concluded at Helsinki on 1 August, 1975. In addition to all European countries, East and West, except Albania, the CSCE included also North America because of its organic military and economic ties with Western Europe.

During the meeting of the second stage of the Conference, contributions were received, and statements heard, from some of the Third World countries, namely Algeria, Egypt, Morocco, Syria and Tunisia.

*The "Final Act of the Conference on Security and Cooperation in Europe" also known as the **Helsinki Declaration** is neither a treaty, nor a pact, nor is legally binding. The term "Final Act" itself has no precise meaning in law. It is essentially a statement of intent, a political rather than legal document.*

The contents of the "Final Act" is divided into three sections. The first section is entitled "Questions relating to Security in Europe" and contains a "Declaration on principles guiding relations between participating States." The two principles that have aroused the greatest post-Helsinki controversy are Principle VI (non-intervention in internal affairs) and Principle VII (Respect for human rights and fundamental freedoms, including the freedom of thought, conscience, religion and belief). The second section is entitled "Cooperation in the field of Economics, of Science and Technology and of the Environment". The third main section is entitled "Cooperation in humanitarian and other fields" concluding with follow-up and review procedures.

Countries outside of Europe and North America have largely viewed the CSCE as an internal matter, or even more realistically, as an agreement among the rich to better exploit the poor, camouflaged with pretence of humanitarian considerations.

Yet the Helsinki Declaration cannot be too lightly dismissed. As far as it indicates the new juridical and cultural superstructures which the more advanced industrial nations are attempting to build together, the declaration is of great importance to all nations and would demand a careful ideological analysis. We reproduce here some of the significant passages of the document. The document was signed by 35 countries among which: the U. S. A., the U. S. S. R. Austria, Belgium, Bulgaria, Canada, Czechoslovakia, France, the German Democratic Republic, The Federal Republic of Germany, Hungary, the Holy See, the United Kingdom, Italy, the Netherlands, Poland, Portugal, Spain etc.

I. Questions relating to Security in Europe

(I) Sovereign equality for the rights inherent in sovereignty.

The participating States will respect each other's sovereign equality and individuality as well as all the rights inherent in and encompassed by its sovereignty, including in particular the right of every State to juridical equality, to territorial integrity and to freedom and political independence . . .

(II) Refraining from the threat or use of force.

The participating States will remain in their mutual relations as well as in their international relations in general, from the threat or use of force against the territorial integrity or political independence of any State. . . No consideration may be invoked to serve to warrant resort to the threat or use of force in contravention of this principle . . .

(V) Peaceful settlement of disputes.

The participating States will settle dispute among them by peaceful means in such a manner as not to endanger international peace and security, and justice.

(VII) . Respect for human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief.

The participating States will respect human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief, for all without distinction as to race, sex, language or religion.

They will promote and encourage the effective exercise of civil, political, economic, social, cultural and other rights and freedoms, all of which derive from the inherent dignity of the human person and are essential for his free and full development

Within this framework, the participating States will recognize and respect the freedom of the individual to profess and practise, alone or in community with others, religion or belief acting in accordance with the dictates of his own conscience.

The participating States on whose territory national minorities exist will respect the right of persons belonging to minorities to equality before the law, will afford them the such full opportunity for the actual enjoyment of human rights and fundamental freedoms and will, in this manner, protect their legitimate interests in this sphere.

The participant States recognize the universal significance of human rights and fundamental freedoms, respect for which is an essential factor for the peace, justice and well-being necessary to ensure the development of friendly relations and cooperation among themselves as among all States.

They will constantly respect these rights and freedoms in their mutual relations and will endeavour jointly and separately, including in co-operation with the United Nations, to promote universal and effective respect for them.

They confirm the right of the individual to know and act upon his rights and duties in this field . . .

II. Cooperation In Humanitarian And Other Fields

1. Human contacts.

The participating States express their intention now to proceed to the implementation of the following :

(a) Contacts and regular meetings on the basis of family ties. In order to promote further development of contacts on the basis of family ties, the participating States will favourably consider applications for travel with the purpose of allowing persons to enter or leave territory temporarily, and on regular if desired, in order to visit members of their families . . .

(b) Reunification of families.

The participating States will deal in a positive and humanitarian spirit with the application of persons who wish to be reunited with members of their family, with special attention being given to requests of an urgent character — such as requests submitted by persons who are ill or old . . .

(d) Travel for personal or professional reasons.

The participating States intend to facilitate wider travel by their citizens for personal or professional reasons and to this end they intend in particular :

- gradually to simplify and to administer flexibly the procedures for exit and entry ;
- to ease regulations concerning movements of citizens from the other participating States in their territory, with due regard to security requirements . . .

(f) Meeting among young people.

The participating States intend to further, the development of contacts and exchanges among young people by encouraging :

- increased exchanges and contacts on a short or long term basis among young people working, training or

undergoing education through bilateral or multilateral agreements or regular programmes in all cases where it is possible.

2. Information.

The participating States, conscious of the need for an ever wider knowledge and understanding of the various aspects of life in other participating States. . . express their intention in particular :

(i) Oral Information.

To facilitate the dissemination of oral information through the encouragement of lectures and lecture tours by personalities and specialists from the other participating States, as well as exchanges of opinions at round table meeting, seminars, symposia, summer schools, congresses and other bilateral and multilateral meetings.

(ii) Printed information.

To facilitate the improvement of the dissemination, on their territory, of newspapers and printed publications, periodical and non-periodical, from the other participating States. . . They will encourage an increase in the number of places where these publications are on sale ; they will facilitate the availability of these materials during congresses, conferences, official visits and other international events and to tourists during the season . . .

3. Cooperation and exchanges in the field of culture.

The participating States . . . declare that they jointly set themselves the following objectives :

- (a) to develop the mutual exchange of information with a view to a better knowledge of respective cultural achievements,
- (b) to improve the facilities for the exchange and for the dissemination of cultural property,
- (c) to promote access by all to respective cultural achievements,

(d) to develop contacts and co-operation among persons active in the field of culture

(e) to seek new fields and forms of cultural cooperation . . .

4. Cooperation and exchange in the field of education.

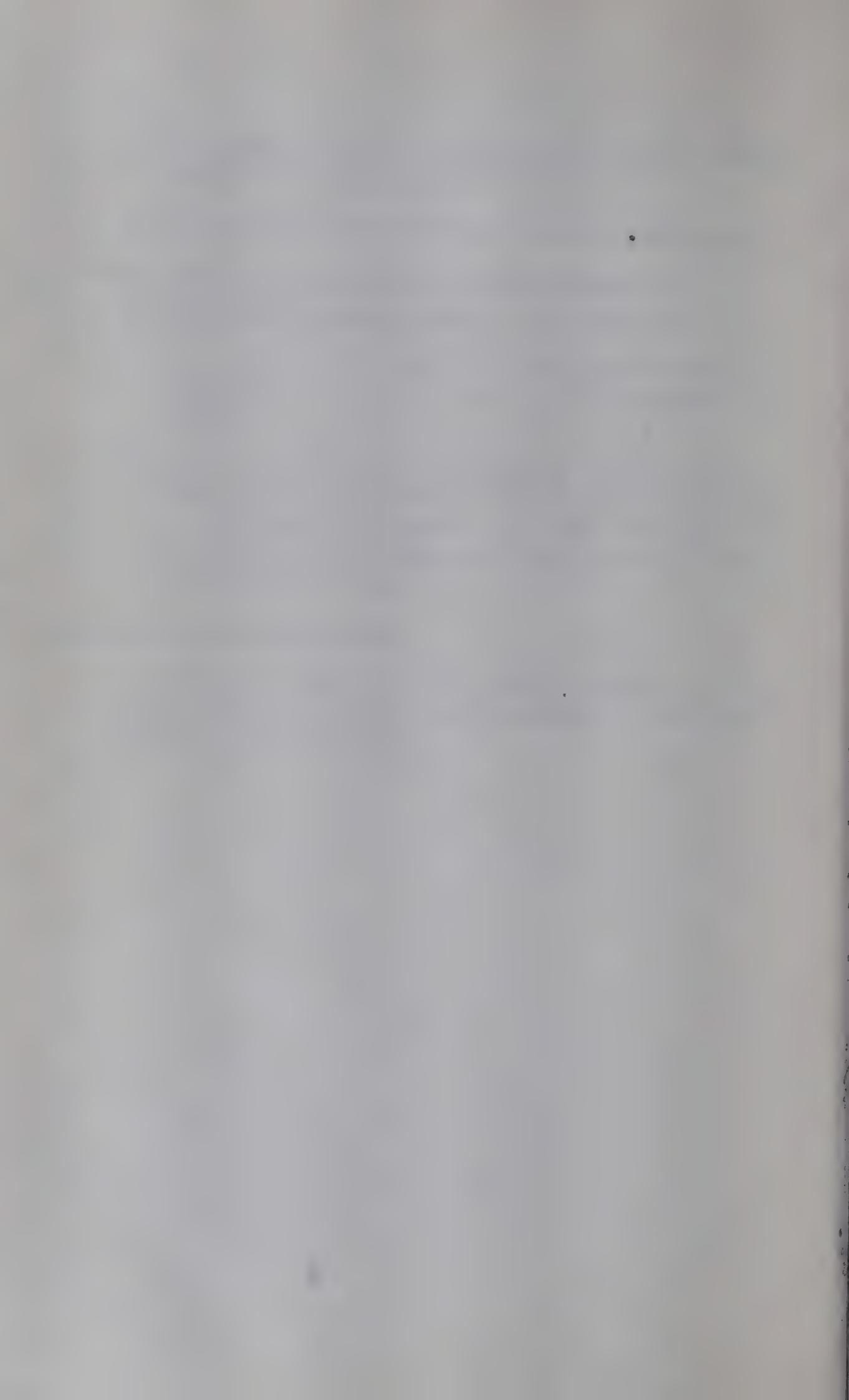
The participating States express . . . their intention :

(a) . . . to expand and improve at the various levels co-operation and links in the field of education and science . . .

(c) . . . to promote the exchange of experience, on a bilateral basis or multilateral basis, in teaching methods at all levels of education, including those used in permanent and adult education, as well as the exchange of teaching materials . . .

Follow-up to the Conference

. . . The text of this Final Act will be published in each participating State, which will disseminate it and make it known as widely as possible . . .



IV

U. N. Declaration on the Protection of all Persons from Torture (1975)

*The following declaration on the protection of all persons from torture and other cruel inhuman or degrading treatment or punishment, was adopted **Unanimously by the UN General Assembly Resolution 3452 (XXX) of 9 December, 1975.***

Article 1

1. For the purpose of this Declaration, torture means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted by or at the instigation of a public official on a person for such purposes as obtaining from him or a third person information or confession, punishing him for an act he has committed or is suspected of having committed, or intimidating him or other persons. It does not include pain or suffering arising only from, inherent in or incidental to, lawful sanctions to the extent consistent with the Standard Minimum Rules for the Treatment of Prisoners.

2. Torture constitutes an aggravated and deliberate form of cruel, inhuman or degrading treatment or punishment.

Article 2

Any act or torture or other cruel, inhuman or degrading treatment or punishment is an offence to human dignity and shall be condemned as a denial of the purposes of the Charter of the United Nations, and as a violation of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights.

Article 3

No State may permit or tolerate torture or other cruel, inhuman or degrading treatment or punishment. Exceptional circumstances such as a state of war or a threat of war, internal political

instability or any other public emergency may not be evoked as a justification of torture or other cruel, inhuman or degrading treatment or punishment.

Article 4

Each State shall, in accordance with the provisions of this Declaration, take effective measures to prevent torture and other cruel, inhuman or degrading treatment or punishment from being practised within its jurisdiction.

Article 5

The training of law enforcement personnel and of other public officials who may be responsible for persons deprived of their liberty shall ensure that full account is taken of the prohibition against torture and other cruel, inhuman or degrading treatment or punishment. This prohibition shall also, where appropriate, be included in such general rules or instructions as are issued in regard to the duties and functions of anyone who may be involved in the custody or treatment of such persons.

Article 6

Each State shall keep under systematic review interrogation methods and practices as well as arrangements for the custody and treatment of persons deprived of their liberty in its territory, with a view to preventing any case of torture or other cruel, inhuman or degrading treatment or punishment.

Article 7

Each State shall ensure that all acts of torture as defined in article 1 are offences under its criminal law. The same shall apply in regard to or an attempt to commit torture.

Article 8

Any person who alleges that he has been subjected to torture or other cruel, inhuman or degrading treatment or punishment by or at the instigation of a public official, shall have the right to complain to, and to have his case impartially examined by, the competent authorities of the State concerned.

Article 9

Wherever there is reasonable ground to believe that an act of torture as defined in article 1 has been committed, the competent authorities of the State concerned shall promptly proceed to an impartial investigation even if there has been no formal complaint.

Article 10

If an investigation under article 8 or article 9 establishes that an act of torture as defined in article 1 appears to have been committed, criminal proceedings shall be instituted against the alleged offender or offenders in accordance with national law. If an allegation of cruel, inhuman or degrading treatment or punishment is considered to be well founded, the alleged offender or offenders shall be subject to criminal, disciplinary or other appropriate proceedings.

Article 11

Where it is proved that an act of torture or other cruel, inhuman or degrading treatment or punishment has been committed by or at the instigation of a public official, the victim shall be afforded redress and compensation in accordance with national law.

Article 12

Any statement which is established to have been made as a result of torture or other cruel, inhuman or degrading treatment may not be invoked as evidence against the person concerned or against any other person in any proceedings.



The Universal Declaration of the Rights of Peoples (1976)

On 4th of July 1976, a conference of jurists, politicians, sociologists, eminent economists, representatives of the liberation movements adopted a "Universal Declaration of the Rights of Peoples." The Declaration, of a private initiative nature, completes the instruments pertaining to the "UN Universal Declaration of Human Rights", which are imperfect in so far as they must satisfy all the States and therefore based upon compromise solutions. We reproduce here the Declaration in its entirety.

Preamble

We live at a time of great hopes and deep despair :

- ❖ a time of conflicts and contradictions ;
- ❖ a time when liberation struggles have succeeded in arousing the peoples of the world against the domestic and international structures of imperialism and in overturning colonial systems ;
- ❖ a time of struggles and victory in which new ideals of justice among and within nations have been adopted ;
- ❖ a time when the General Assembly of the United Nations have given increasing expression, from the Universal Declaration of Human Rights to the Charter on the Economic Rights and Duties of States, to the quest for a new international, political and economic order.

But this is also a time of frustration and defeat, as new forms of imperialism evolve to oppress and exploit the peoples of the world.

Imperialism, using vicious methods, with the complicity of governments that it has itself often installed, continues to domi-

nate a part of the world. Through direct or indirect intervention, through multinational enterprises, through manipulation of corrupt local politicians, with the assistance of military regimes based on police repression, torture and physical extermination of opponents, through a set of practices that has become known as neo-colonialism, imperialism extends its stranglehold over many peoples.

Aware of expressing the aspirations of our era, we met in Algiers to proclaim that all the peoples of the world have an equal right to liberty, the right to free themselves from any foreign interference and to choose their own governments, the right, if they are under subjection, to fight for their liberation and the right to benefit from other peoples assistance in their struggle.

Convinced that the effective respect for human rights necessarily implies respect for the rights of peoples, we have adopted the Universal Declaration of the Rights of Peoples.

May all those who, throughout the world, are fighting the great battle, at times through armed struggle, for the freedom of all peoples, find in this Declaration the assurance of the legitimacy of their struggle.

Right to Existence

Article 1

Every people has the right to existence.

Article 2

Every people has the right to the respect of its national and cultural identity.

Article 3

Every people has the right to retain peaceful possession of its territory and to return to it if it is expelled.

Article 4

None shall be subjected, because of his national or cultural identity, to massacre, torture, persecution, deportation, expulsion or living conditions such as may compromise the identity or integrity of the people to which he belongs.

Right to Political Self-Determination

Article 5

Every people has an imprescriptible and unalienable right to self-determination. It shall determine its political status freely and without any foreign interference.

Article 6

Every people has the right to break free from any colonial or foreign domination, whether direct or indirect, and from any racist regime.

Article 7

Every people has the right to have a democratic government representing all the citizens without distinction as to race, sex, belief or colour, and capable of ensuring effective respect for the human rights and fundamental freedoms for all.

Economic Rights of Peoples

Article 8

Every people has an exclusive right over its natural wealth and resources. It has the right to recover them if they have been despoiled, as well as any unjustly paid indemnities.

Article 9

Scientific and technical progress being part of the common heritage of mankind, every people has the right to participate in it.

Article 10

Every people has the right to fair evaluation of its labour and to equal and just terms in international trade.

Article 11

Every people has the right to choose its own economic and social system and pursue its own path to economic development freely and without any foreign interference.

Article 12

The economic rights set forth above shall be exercised in spirit of solidarity amongst the peoples of the world and with due regard for their respective interests.

Right to Culture

Article 13

Every people has the right to speak its own language and preserve and develop its own culture, thereby contributing to the enrichment of the culture of mankind.

Article 14

Every people has the right to its artistic, historical and cultural wealth.

Article 15

Every people has the right not to have an alien culture imposed upon it.

Right to Environment and Common Resources

Article 16

Every people has the right to the conservation, protection and improvement of its environment.

Article 17

Every people has the right to make use of the common heritage of mankind, such as the high seas, the sea-bed, and outer space.

Article 18

In the exercise of the preceding rights, every people shall take account of the necessity for coordinating the requirements of

its economic development with solidarity amongst all the peoples of the world.

Rights of Minorities

Article 19

When a people constitutes a minority within a State, it has the right to respect for its identity, traditions, language and cultural heritage.

Article 20

The members of a minority shall enjoy without discrimination the same rights as the other citizens of the State and shall participate on an equal footing with them in public life.

Article 21

These rights shall be exercised with due respect for the legitimate interests of the community as a whole and cannot authorise impairing the territorial integrity and political unity of the State, provided the State acts in accordance with the principles set forth in this Declaration.

Guarantees and Sanctions

Article 22

Any disregard for the provisions of the Declaration constitutes a breach of obligations towards the international community as a whole.

Article 23

Any prejudice resulting from disregard for this Declaration must be totally compensated by whoever caused it.

Article 24

Any enrichment to the detriment of the people in violation of the provisions of this Declaration shall give rise to the restitution of profits thus obtained. The same shall be applied to all excessive profits on investments of foreign origin.

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Article 25

Any unequal treaties, agreements or contracts concluded in disregard of the fundamental rights of peoples shall have no effect.

Article 26

External financial charges which become excessive and unbearable for the people shall cease to be due.

Article 27

The gravest violations of the fundamental rights of peoples, especially of their right to existence, constitute international crimes for which their perpetrators shall carry personal penal liability.

Article 28

Any people whose fundamental rights are seriously disregarded has the right to enforce them, especially by political or trade union struggle and even, in the last resort, by the use of force.

Article 29

Liberation movements shall have access to international organizations and their combatants are entitled to the protection of the humanitarian law of war.

Article 30

The re-establishment of the fundamental rights of peoples, when they are seriously disregarded, is a duty incumbent upon all members of the international community.

Page 1

The first part of the report deals with the general situation of the country and the progress of the work during the year.

Page 2

The second part of the report deals with the results of the work during the year and the progress of the work during the year.

Page 3

The third part of the report deals with the results of the work during the year and the progress of the work during the year.

Page 4

The fourth part of the report deals with the results of the work during the year and the progress of the work during the year.

Page 5

The fifth part of the report deals with the results of the work during the year and the progress of the work during the year.

Page 6

The sixth part of the report deals with the results of the work during the year and the progress of the work during the year.

A FEW D.C. DOCUMENTS

Communalism, a mini-file, which covers some of the important aspects of the manifestations of Communalism in today's India.

What is Participatory Research, which explains a method of social investigation involving the full participation of the community, being at the same time, an educational process and a means of taking action for development.

Report on Post-Mao China, which studies the problems confronting China in her endeavour to build a socialist society.

Basic Communities in The Church, which is a sociological study of the deep transformations taking place within christian communities,

A few of the documents have been translated into Hindi and Tamil. For further information on available documents, please write to :

*ISI DOCUMENTATION CENTRE,
24 Benson Road,
Bangalore 560 046.*

ISI Publications

The Indian Social Institute, Delhi, offers indepth studies on some current issues. **The following are a few of the Titles :**

"The Politics of Change and Leadership Development: The New Leaders in India and Africa", Alfred de Souza (ed).

"Mediation: The Action of Media in Society", Gaston Rogerge.

"Tribal Religion: Religious Beliefs and Practices among the Santals", J. Troisi.

"The Marxian Dilemma: Transformation of Values to Prices", A. J. Fonseca.

"Moving Closer to the Rural Poor: Shared experiences of a Mobile Orientation and Training Team", MOTT.

"Non-Formal Education for Women: The Grihini Training Programme", Jessie Tellis-Nayak.

For the complete list of publications, please write to :

**Indian Social Institute,
Lodi Road,
New Delhi 110 003.**

